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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Second periodic reports of States parties

Czech Republic*

Second periodic reports for the period from 1995 to 31 June 1999

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* The present report is being issued without formal editing.
For the initial report submitted by the Government of the Czech Republic, see CEDAW/C/CZE/1, which was considered by the Committee at its eighteenth session.

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I. Introduction

1. On December 18, 1979, the Convention on the Elimination of All Forms of Discrimination against Women (hereafter the "Convention") was concluded in New York. The Convention came into effect in line with Article 27, paragraph 1, on September 3, 1981. The Convention was undersigned on behalf of the Czechoslovak Socialist Republic in Copenhagen on July 17, 1980, and it took effect for the Czechoslovak Socialist Republic in accordance with its Article 27, paragraph 2, on March 18, 1982.

2. The Czech Republic came into being on January 1, 1993 by division of the Czech and Slovak Federal Republic into two independent states. The Czech Republic became a member of the UN on January 19, 1993, and took over all its obligations relating to human rights protection from the former Czechoslovakia.

3. One important aspect of the Czech legal system to bear in mind is the principle defined in Article 10 of the Czech Constitution, according to which all ratified and promulgated international conventions on human rights and fundamental freedoms to which the Czech Republic is bound are directly obligatory and superior to Czech law. The Convention is considered an international treaty in accordance with Article 10 of the Constitution. This has been expressly stated by the Constitutional Court of the Czech Republic in finding No. 3/1995 of Coll., which stated: *it is possible to rank the Convention on the Elimination of All Forms of Discrimination against Women among the documents meeting the terms of Article 10 of the Czech Constitution...* .

4. In accordance with Article 18, paragraph 1 of the Convention, in 1994 the Czech Republic submitted an extensive Initial Report regarding the Convention commenting on the period 1993-1994 to the Committee on the Elimination of Discrimination against Women[1] (hereinafter referred to as the "Committee"). Committee discussions for this report only began at the end of 1997. After discussing the Initial Report on January 26 and 27, 1998, the Committee elaborated a final evaluation containing its opinions concerning aspects affecting the fulfilment of the Convention.

5. This second, periodical report contains - in accordance with general regulations referring to the form and contents of periodical reports (the 3rd revised version from July 26, 1996) - firstly, a description of important changes achieved since the development of the Initial Report, i.e., relating to the period from January 1, 1995 to June 30, 1999. Referring to the previous report, the second report lists the approved legal and other measures documenting progress achieved in the elimination of discrimination against women, important changes in the status of and equality of women, measures aimed at the elimination of remaining obstacles preventing women's integration into political, social, economic and cultural life, and problems emphasised by the Committee which the Czech Republic as the submitting party has not yet been able to deal with.

6. In the evaluation of the period of 1995-1997, the submitted report also included materials elaborated for the Czech delegation's speech to the Committee in 1998 when discussing the Initial Report on the Convention's fulfilment. These data were complemented by materials referring to the period from the beginning of 1998 to the present. With respect to the period monitored in this report (1995-1999), some information which has already been published in the supplement to the Initial Report is therefore repeated. Another reason for this is that this information was omitted in the conclusions and recommendations to the Czech Republic elaborated by the Committee.

[1] Committee on the Elimination of Discrimination against Women.

7. This report particularly focuses on the evaluation of those articles of the Convention, the fulfilment of which has changed over the monitored period. On the other hand, the articles, the fulfilment of which was considered satisfactory by the Committee, or in which fulfilment by the Czech Republic has not progressed since, are not included in the report. Some articles are supplemented by texts written in italics containing actual evaluations (positions) which have already gained some official authority due to their approval by the Government. These are:

   a) Priorities and Proceedings of the Government in the Enforcement of Equality between Men and Women elaborated by the Ministry of Labour and Social Affairs and approved by Government Resolution No. 236 from April 8, 1998 (hereafter, "Priorities '98"). In this Resolution, the Government required its members to adopt and enforce measures aimed at the de facto equalisation of men and women. The document is divided into individual areas of Government priorities, ordered according to their importance. To meet the objectives expressed in the text, the Government set concrete measures (proceedings), terms of their fulfilment and assigned bodies responsible. On a yearly basis, the Government evaluates the extent to which the measures have been met. Depending on these evaluations, the Government attaches new provisions or amends the original ones. The document is therefore open and capable of adapting its contents to current needs. Its preparation, evaluation and updating is co-operated on by ministries, and subordinate state administration directly responsible for the formal and de facto state of the equal status of men and women, and also by the public involved, in particular non-governmental women's organisations and social partners.

   b) Summary Report on the Fulfilment of the Government Priorities and Proceedings in the Enforcement of Equality between Men and Women (hereafter, 'Summary Report'). The Summary Report was submitted to the Government by the Minister of Labour and Social Affairs for discussion in April 1999. The evaluation included proposals of new definitions of the original measures, proposals to amend them, and a proposal on revocation of that measure which had already been fulfilled. The Government approved the Summary Report by Resolution No. 452 of May 10, 1999.

   c) Priorities and Proceedings of the Government in the Enforcement of Equality of Men and Women approved by Government Resolution No. 236/1998 and updated by Government Resolution No. 452/1999 (hereafter, 'Priorities '99').

8. Quotations, in italics, from the report submitted by the Czech Republic to the UN as an evaluation of the fulfilment of the Beijing Conference's Conclusions in April 1999 (hereafter, the 'Beijing Conference'). The report was prepared by the Ministry of Labour and Social Affairs. All other quotations including legal provisions are also in italics.

9. More than any deficiencies in Czech legal provisions, the Committee criticised the level of monitoring and fulfilment of human rights and also the procrastination or even passivity of the state administration. The problems of, and obstacles against due enforcement of the Convention which were pointed out by the Committee on January 30, 1998 after discussion on the Initial Report of the Czech Republic on the fulfilment of the Convention are presented with corresponding commentary in the 3rd chapter of this report.

2. Fulfilment of the Convention's Articles

Article 2, letter b) to e)

10. The European Treaty founding the association between the Czech Republic and the European Communities and their member states concluded on October 4, 1993, obliges the Czech Republic to gradually amend its existing, and its future legal provisions as to correspond to those of the European Union. This also means to introduce the principle of equal treatment of men and women in all areas of employment relations and social security. The process to date of legal harmonisation with the law of the European Union, is evaluated by the Summary Report as follows:

11. *In relation to preparation for entry into the European Union, the Czech Republic has undertaken comparison of its rule of law with legal acts of the European Community. The official comparison of legal norms relating to the equal status of men and women, or - strictly speaking - to their equal opportunities, was undertaken at the end of last year (1998) at a discussion in the European Commission and the part relating to social provisions. This discussion resulted in the obligation of the Czech party to secure formally legal conditions for application and de facto enforcement of the principle of equal remuneration for men and women, and of the principle of equal treatment of men and women especially in their employment, in access to vocational training, in the area of self-employment and in social security.*

12. The Summary Report further refers to four amended laws under preparation: the Employment Act (No. 1/1991 of Coll.)[2], the Labour Code (Act No. 65/1965 of Coll.), the Wages Law, on rewards for labour disposability and on the average wage (No. 1/1992 of Coll.), the Law on Remuneration and rewarding for labour disposability in non-governmental organisations and in some other organisations and bodies (No. 143/1992 of Coll.). The Summary Report also mentions the prepared amendment to the Civil Judicial Order (Act No. 99/1963 of Coll.), in which the enforcement of individual rights is provided by means of the burden of proof transition to the party, which - according to the prosecutor - breached the principle of equal treatment of men and women[3].

13. The amended Employment Act came into effect on October 1, 1999. Further amendments will be submitted to the Government by the Minister of Labour and Social Affairs in the 4th quarter of 1999. The amendments should take effect in July 2000.

14. Proven discrimination in an employment offer may be penalised in accordance with the provisions of Articles 8 and 9 of Act No. 9/1991 of Coll., on employment and the competence of Czech bodies in the field of employment by a penalty of up to CZK 250 thousand, and - in the case of re-offending - by a penalty of up to CZK 1 million. Control is carried out and sanctions are imposed by employment control bodies, i.e.,, Labour Exchanges, and the Ministry of Labour and Social Affairs.

15. It is still impossible to ascertain whether judicial protection has been applied in cases of discrimination based on gender because the appropriate items (types of discrimination) were not entered into the statistical classification list of disputes and into the statistical penal register of

[2] For detailed information on this amendment see text referring to Article 11 of the Convention. In its section 1, the amendment includes prohibition of discrimination against citizens based on gender, in their right to employment, as well as prohibition of discriminatory advertising.

[3] The draft amendment to the Civil Judicial Order was approved by Government Resolution No. 589/1999 and submitted to Parliament. The amendment should come into effect as of February 1, 2001.

the Ministry of Justice until 1999. The statistical classification list includes an item "disputes in employment relations with the motive of discrimination based on gender and suppression of women's rights", and "wage discrimination based on gender".

16. The effectiveness of the courts of justice in these disputes will be increased by reform of the judicial system under preparation by the Ministry of Justice. Solution of disputes in cases of discrimination based on gender shall also be improved by the amended code of civil procedure (see Article 12), where proposed section 133a has the following wording (in accordance with directive No. 97/80/ES on the burden of proof in the cases of discrimination based on gender): *In matters of employment facts declared regarding the participant's direct or indirect discrimination based on his/her gender shall be regarded by the court as proven, if the proceedings do not show the opposite.*

17. In the four proposed amendments to the laws mentioned in Article 12 the following changes are enforced:

a) the proposed amendment to the Labour Code:

- sets the principle of equal treatment of all employees in regard to access to training, promotion and working conditions.
- sets prohibition of discrimination based on gender in labour-law relations,
- sets prohibition of sexual harassment,
- introduces so-called parental leave (by transforming the existing "further" maternity leave),
- introduces an obligation on the employer to inform employees of all legal regulations on protection against unequal treatment.

b) the proposed amendment to the law on the wage, rewards for disposability and on average earnings, and an amendment to the law on remuneration and rewards for labour disposability in state-budgeted organisations and in some other organisations and bodies:

- will introduce a system of work classification and remuneration for business employers.
- defines the formulation of the principle of equal remuneration for work regardless of gender, i.e., "equal remuneration for equal work and for work of equal value".

18. *The partial amendments currently under preparation shall harmonise Czech legal regulations with those of the European Communities in the field of labour-law relations. Fulfilment of the EC's express requirement to anchor the principle of equal treatment of men and women so as to have affect at least in the areas of social security, self-employment and in access to vocational training has still been defended before the EC with reference to the provisions of Article 3 of the Charter of Fundamental Rights and Freedoms, which guarantees basic rights and freedoms to citizens regardless of their gender. This argument has been provisionally accepted, however only with the proviso that these basic provisions will be followed by concrete implementation measures legally guaranteeing implementation of the given principle at least within the aforementioned areas. With regard to parallel requirements of the EU to respect citizens' rights to unequivocal , clear and integral legislation on human rights, the EU recommends and prefers approval of a special law on the equality of men and women, the right to equal treatment for both genders, and procedures applicable for creating equal opportunities.* (Summary Report)

19. Based on the aforementioned facts and based on initiatives of non-governmental women's organisations, the Government has complemented Priorities' 98 with a new provision: *the Minister of Labour and Social Affairs shall be responsible for assessing the possibility of approval of a special law on equality between men and women, the right to equal treatment of both genders, and procedures to enforce equality in practice. In the event of a positive result of the evaluation, the Minister is obliged to submit a proposal for proceeding further to the Government in April 2000.*

Article 2, letter g)

20. As was already reported in the Initial Report, Czech law does not distinguish in its Penal Code between the criminal responsibility of men and women. This principle is not expressly defined by law, but is de factoly implied by the provisions of Article 2 of the Penal Code, (Act No. 141/1961 of Coll., in the wording of later regulations). Protection of personal integrity against violent attacks is guaranteed equally for both genders. However, the Penal Code (Act No. 140/1961 of Coll., in the wording of later regulations) takes account of the fact that women become the victims of specifically motivated violent crimes against them. The Penal Code therefore includes several categories of offences, against women in particular, including rape (provisions of Article 241 of the Penal Code) and trafficking in women (provisions of Article 246 of the Penal Code), or - against women in most cases: crime of procurement (provisions of Article 204 of the Penal Code).

Number of persons sentenced over the monitored period

Year	*Procurement*		*Rape*	
	sentenced	*of that women*	*sentenced*	*of that women*[1)]
1994	66	16	159	2
1995	60	23	182	0
1996	58	19	153	0
1997	74	24	163	1
1998	130	38	203	1

1) Number of women sentenced for rape (of another woman or man)

21. Custody in general, i.e., including the custody of women, is defined by Act No. 293/1993 of Coll., on the implementation of custody (provisions of the Article 7). Implementation of the sentence of imprisonment is defined by Act No. 169/1999 of Coll., on the implementation of the sentence of imprisonment. According to the aforementioned laws, women and men carry out their sentences in custody and imprisonment separately. The disciplinary sentence of solitary confinement cannot be given to pregnant women. Details on imprisonment are defined by decree No. 110/1994 of Coll., on rules governing prison sentences, which states (provisions of Article 50): *In the case that a convicted woman is found pregnant, the prison director will - based on the proposal of a doctor - immediately initiate interruption of the sentence to the court.* There is no analogous regulation as for time in custody.

22. In respect of the preparation of the new Act on the Police of the Czech Republic[4] and to the reassessment of its stance towards victims of crime (including victims of sexual violence) activities of the Ministries of Interior and of Health have increasingly focused on prevention of the aforementioned crimes, on groups at risk and on potential victims. In 1997 the Ministry of Interior issued a publication called 'Security of Women and Girls' aimed at providing elementary information to women on how to proceed in case of threatened domestic violence or sexual attack. The Ministry of Health has included this issue into the National Health Programme and into the National Programme on the Solution of the HIV/AIDS Problem[5]. The issues are regular subjects of articles in periodicals issued by the Ministry of Interior and designed for policemen in service (e.g.,, "Policeman" journal).

[4] The objective of the Act on the Police of the Czech Republic has already been elaborated. The draft Act shall be submitted to the Government by the Minister of the Interior in the 1st quarter of 2000, and the Act is expected to come into effect in the beginning of 2001.

[5] In Resolution No. 47/1991, the Government approved the National Programme of AIDS Prevention. Another connected medium-term plan on the solution of the HIV/AIDS issue over 1993-1997 was approved in 1992 by an agreement of ministers.

23. Publications designed for women as potential victims of criminal activity and for groups of women at risk are also published by the non-governmental and non-governmental organisation, the Co-ordinating Circle for Prevention of Violence Against Women (Koordinační kruh prevence násilí na ženách). These publications include for instance materials issued by La Strada organisation aimed at prostitutes and young women of different ages and social groups, or brochures on incest and domestic violence published by the ProFem Foundation.

24. For the crime of infanticide by the mother, the Penal Code takes into account (according to Article 220) the fact that the offender is the female parent, *who disturbed by the delivery deliberately kills her new-born child during, or immediately after the delivery*, and imposes in such cases a lower sentence than is the case for murder. Apart from Article 2, section g, this provision is related to Article 12, paragraph2 of the Convention. Crimes of this type have not been statistically monitored. The Initial Report did not mention this special provision.

25. The human rights education of judges, public prosecutors and probationary judges (i. e., judges still under training) has been organised by the Educational Institute of the Ministry of Justice. Seminars, often organised in co-operation with the Council of Europe, include the issue of equality of men and women, information on relevant international conventions and standards and information on changes and interpretation of the relevant Czech legal regulations.

Article 3

26. The Government started to deal systematically with the status of women, i.e., the equality of women and men, at the end of 1997 on the initiative of Members of Parliament of the Czech Republic.[6] The Government obliged the Minister of Labour and Social Affairs with co-ordination of Government policy on the status of women and, concurrently delegated the Minister to propose elementary objectives of this policy. This initiative resulted in the programme document Priorities '98, and with the approval of this document the Government expressed its will to contribute effectively to the elimination of existing de facto and formal obstacles preventing women from achieving status comparable with men therefore responding to the real state in social relations in which the effects of inequality between men and women could threaten or limit the fulfilment of human rights. The Government thus took full responsibility for observation of valid international obligations including especially obligations arising from the Convention, from the Conclusions of the document Platform for Action of the IVth World Conference on Women in Beijing, and from the obligations arising from future membership of the Czech Republic in the European Union. In this connection, the Government also meets the requests of non-governmental women's organisations.

27. All Government measures conform to the principle of equal opportunities for men and women (mainstreaming), because it regards the application of this principle as an effective method for achieving real equality. One precondition of fulfilling this principle is an increasing awareness of equality between men and women. Ministers are obliged *to include issues focusing on human rights into educational programmes designed for employees of the public administration with regard to fulfilment of the principle of equal opportunities for men and women* (Priorities '99).

28. Independent of this key document, the Government also approved the new concept of employment policy entitled the National Employment Plan (Government Resolution No. 418/1999) in May 1999. Measures aimed at generation of equal opportunities for men and women in the labour market form an integral part of this Plan. Development of the concept

[6] A female MP for ČSSD (Czech Social Democratic Party) addressed the former Prime Minister Václav Klaus (ODS - Civic Democratic Party) in Parliament in respect of the position of women in society based on the suggestion of the Czech Women's Union.

verified in practice how and whether, institutions are ready to give priority to the principle of equal opportunities before other principles. On the basis of experience gained and with regard to the results of the method, at the evaluation of Priorities '99 tasks, the Government required its members *to conform to the principle of equal opportunities between men and women at all stages of the conceptual, decision-making, implementation and evaluation processes in their ministries*. This is an express commitment of the Government to follow the policy of mainstreaming.

Article 4

29. No temporary special measures aimed at increasing the actual equality of the social position of men and women have been adopted. The aforementioned measures cannot be perceived as discriminatory according to the Convention, which as an international treaty on human rights is superior to Czech law and therefore binding (see Article 10 of the Constitution). Positive measures aimed at the equality of people regardless of their gender would not be in contradiction of the 3rd Article of the Charter of Fundamental Rights and Freedoms, according to which fundamental rights and freedoms must be guaranteed to everybody regardless of their gender (and other criteria). This constitutional principle is called "civil principle" and is a frequent argument against the introduction of temporary equality measures, not just in relation to equality between men and women.

30. It has also been argued that apart from the Convention (and other international treaties) the application of any special equality measures is not defined by law. Therefore doubts still remain as to whether these conventions and treaties are sufficiently exceptional to be able to overrule the principles set by the Constitution.

31. In order to eliminate all doubts and formal obstacles preventing the application of the aforementioned special measures, and in the text of Priorities '99, the Government delegated the Vice-Premier for Legislation to assess by April 2000, *whether the legal system sufficiently supports incorporation of special temporary measures aimed at equalising differences in the participation of women and men in the principle social activities*. Based on the results of the evaluation, and with the same deadline, the Vice-Premier shall *suggest proceedings to be taken to remove possible obstacles preventing application of the aforementioned measures*.

32. In the meantime, the Government intends to approve special temporary measures to meet tasks set in Priorities '99 delegated to the Ministers of Education and of Labour and Social Affairs with regard to reducing the tendency towards segregation in educational subjects and subsequent professions *with the assurance of the possibility of Government support by re-qualification of citizens and especially women, who - due to child care - may not have been economically active for a longer period of time*.

Article 5

33. Attitudes of inequality about men and women still remain in relation to work and family relations. According to sociological studies concerning families and the position of men and women in families and at labour market, the roles of men and women in the family are complementary, although there is still a persistent opinion that employers regard men as "breadwinners" in rewarding them. Another lingering attitude is that men are more suitable for positions in executive management than women, while women play a more important role in care of the family and household. On the other hand, the majority of persons questioned support the elimination of unjustified inequalities or discrimination. The aforementioned prejudices are gradually declining as a result of educational programmes contributed to by the Government,

through periodicals published by the Ministries of Education, Labour and Social Affairs, and of Health), through the media, trade union activity and non-governmental women's organisations.

34. Participation of the Czech Republic at the IV[th] medium-term programme of the European Union on the equalisation of opportunities for men and women in 2000 is expected to raise awareness of the equality of both genders. The programme, underwritten by the EU in 1996, whose guarantor for the Czech Republic is the Ministry of Labour and Social Affairs, may be participated in by Czech Governmental and non-governmental bodies. Costs of projects aimed at equalisation of opportunities for men and women or those eliminating barriers which prevent women from self-fulfilment shall be co-financed by a special EU fund of up to 60 percent.

35. In 1997, The Ministry of Education, Youth and Physical Education prepared a system of students' education with regard to understanding family and maternity issues, the elimination of all forms of discrimination including changes in traditional attitudes to the roles of men and women, and the safeguarding of equal rights for men and women. This system has a character beyond the margins of individual educational subjects. These issues are included in both general and special subjects at all types of schools and regardless of gender, as all educational institutions have been following the principle of co-education since 1921, i.e., boys and girls share common classes creating equal access to education by both genders. The data on this type of education is specified in the note to paragraph 81.

36. The new draft of the Education Act and its related decrees assign human rights education at all school levels. To increase efficiency, the issue of gender equality shall be taught as an individual part of the subject, Human Rights Education.

37. The Ministry of Culture has been co-operating on the elimination of stereotypes, in particular by offering grants for projects which through the media help to change traditional attitudes to the role of women in society and the family. In accordance with the schedule of Government legislative objectives, the Minister of Culture shall submit to the Government the amended Act No. 483/1991 of Coll., on Czech television, and amended Act No. 484/1991 of Coll., on Czech radio in the 4[th] quarter of 2000. The provisions on the objectives of these media shall be extended to include an obligation to pay attention to the aforementioned issues in broadcasting. In respect of the elaborated amendment to Act No. 241/1992 of Coll., on the State Fund of the Czech Republic for Support and Development of Czech Cinematography[7], the Ministry of Culture is considering extending the system of grants to include the creation and distribution of audio-visual works in relation to this issue.

38. A special section for human rights education and a special section for equal opportunities for men and women function as part of the Council of the Czech Republic for Human Rights[8] ,(detailed information in paragraph 162). The agenda of both sections covers overcoming prejudices and stereotypes in general as well as in the relationship between men and women, and in the attitudes of society towards the traditional roles of both genders.

39. Non-governmental organisations play an important role in the elimination of stereotypes (the majority siding with women). They include the Association for Equal Opportunities uniting small women's organisations, the YWCA, the Gender Studies Centre, with an extensive specialised library, ROSA, Vesna, and the Czech Women's Association with the largest

[7] This Act will be incorporated into the new legislation - the Act on Audio-visual Work. The draft objectives of the Act on Audio-visual Work shall be submitted to the Government in the 4[th] quarter of 1999. It is expected to come into effect in June 2000.

[8] In December 1998, the Czech Government established the Council of the Czech Republic for Human Rights as an advisory and co-ordinating body on the issues of protection of human rights and fundamental freedoms of citizens falling under Czech jurisdiction.

membership operating nation-wide, ProFem, mothers clubs, and so on. Individual ministries also support the educational projects of these organisations through their system of grants.

Article 6

40. The proportion of women as victims of criminal offences has been increasing, while the character of violence against women has also been changing. New forms of violent and undesirable behaviour against women, e.g., domestic violence, sexual harassment or trafficking in women, are often difficult to qualify legally and therefore also complicated to punish. In this respect, the apprehension and unwillingness of both witnesses and injured parties during the possible prosecution process are often cited. If the injured party is economically dependent on the offender, the penalty has a negative effect, both on her situation and on other dependent members of the household.

41. As a consequence of a criminal act causing bodily harm, the injured women may in accordance with Act No. 209/1997 of Coll., on financial assistance for victims of crime, ask the Ministry of Justice for lump sum compensation to overcome their deteriorated social situation caused as a result of a violent criminal offence. Financial aid is paid in line with the decree of the Ministries of Health and Justice, State Social Security Office and Trades Union Central Committee No. 32/1962 of Coll., on recompense for pain and aggravated social position, in the wording of later regulations. Damages caused are - in accordance with this decree - evaluated with a certain number of points. A low rating of one point, fixed by amendment to the aforementioned decree in 1981, currently results in low compensation, inadequate to the extent of damage caused to victims.

42. Legal regulations on the punishment of violence against women have not changed in the Czech Republic since the elaboration of the Initial Report. In general the law conforms to the need to protect girls and women against specific forms of violence connected with their gender. Some procedures in the investigation of violent crimes against women and the following prosecution process have not fully respected the difficult situation of female victims of violence. Sometimes they share a household with the aggressor, are financially dependent on him, and care for children in common with the aggressor. This is especially true of the prosecution of crimes of violence against a group of citizens or an individual according to Article 197a, crimes of bodily harm according to Article 221, the crime of exposure to the threat of venereal disease according to Article 226, crimes of restraint of personal freedom according to Article 231, paragraph 1, and crimes of extortion according to Article 235, paragraph 1 of the Penal Code. In these and some further cases, the principle of the prosecution of all criminal acts based on knowledge gained by the public prosecutor in the course of his/her duties is breached as prosecution is subject to approval by the injured party in the event that the injured party is family or another similar relative[9] to the person suspected of having committed the crime. A special regulation applies to the crime of rape according to Article 241, paragraph 1: a prosecution against a person, who at the time of the crime was husband or partner of the injured party, may be initiated only with the consent of that party[10]. The Czech Republic recognises the problem caused by out-of-court settlement in cases of the aforementioned crimes.

43. Priorities '98 and associated Resolutions require the Ministers of Justice and Interior to evaluate the efficiency of existing legislation in respect of the new forms of violence committed against women, e.g., trafficking in women, domestic violence and sexual harassment. If the results of

[9] The relation is specified by section 100, paragraph 2 of the Code of Penal Procedure.

[10] The regulation does not apply to the crimes of rape according to paragraphs 2 and 3 of Article 241, i.e., if there is serious bodily harm as a result of rape, if the rape victim is a girl under 15, or in the case of death as a result of rape. Similarly, some of the aforementioned crimes (Articles 231 paragraph 1, and 235 paragraph 1) are regarded as less serious forms of these crimes without any serious effects.

this evaluation, which is to be submitted to the Government in April 2000, prove existing penalties to be insufficient, then the Ministers of Justice and Interior will propose measures to increase their efficacy. In this respect, these Ministers shall also propose measures on witness protection (women who were the victims of trafficking).

44. The crime of trafficking in women is not statistically monitored. Provisions in Article 246 of the Penal Code state that *the person, who lures, hires or transports a woman abroad with the intention of using her for sexual intercourse with another person*, commits the crime of trafficking in women. Sentencing of the offender is more severe if he commits the offence as a member of an organised group, against a women under eighteen, or with intent to use the woman for prostitution.

45. The amendment to the Penal Code, submitted to the Parliament by the Government in September 1999, relates to Article 246 of the Penal Code, trafficking in women. The crime of trafficking in women will continue to refer to trafficking in humans with the intention of sexual intercourse regardless of whether the victim is a child, woman or man. Thus equality of gender will be provided by the Penal Code according to Articles 1 and 3 of the Charter of Fundamental Rights and Freedoms. The amendment also extends the definition of trafficking not only onto those were trafficked abroad from the Czech Republic, but also to those trafficked to the Czech Republic from abroad[11]. The amended Penal Code should come into effect in June 2000.

46. According to data provided by the Czech Police the number of Czech victims of trafficking in women is not very high. In 1998, the number of charges brought in accordance with the provisions of Article 246 of the Penal Code (trafficking in women) rose above ten for the first time.

47. The situation of foreign victims of trafficking with women is more complicated as they often stay on Czech territory illegally and in contravention of the Act on residency of foreigners on the territory of the Czech Republic (No. 123/1992 of Coll.). Suitable regulations that would allow victims of trafficking to get any necessary social assistance and a residency permit so that they might act as witnesses in criminal proceedings are currently lacking. This situation should be improved by an amendment to the regulation on witness protection (Article 55, paragraph 2 of the Penal Code on the protection of witnesses), which is being prepared by the Ministries of Justice and Interior in relation to the Government's conception of the fight against organised crime. Victims are in the meantime assisted to a limited extent by the non-governmental, non-governmental organisation, La Strada, which co-operates with the International Organisation for Migration (IOM).

48. With the possibility of a deterioration in the economic and social situation, there is also the possibility of an increase in the incidence of cases of trafficking in Czech women, especially adolescent and under-age girls from socially disadvantaged families. To raise public awareness, in particular in the women's at risk group, the Ministry of the Interior has started to co-operate with the non-governmental organisation, La Strada CR. In 1998 the Ministry of the Interior, drawing on resources from the Complex Co-operative Crime Prevention Programme, supported a project of La Strada for the training of 'multipliers' from a group of female social and pedagogical workers. They deal with the groups of girls at risk and inform them of the dangers associated with accepting deceptive offers of lucrative jobs abroad. Currently, the project is expected to cover the region of Central Bohemia and Prague. The same objective has been pursued through an extensive, nation-wide information and prevention campaign carried out by

[11] The amended regulation of Article 246, paragraph 1, of the Penal Code: *The person who lures, hires or transports another person abroad or from abroad to the Czech Republic with the intention of using him/her for sexual intercourse with another person, commits the crime of trafficking in humans with the intention of sexual intercourse and will be sentenced to imprisonment.*

the International Organisation for Migration (IOM) in 1999, in co-operation with bodies of the state administration. In the first half of the year, a survey was carried out on the awareness of the women's at risk groups about the problem of trafficking in women, the campaign itself will start in autumn 1999[12].

49. Prostitution itself is not regarded as a criminal offence. On the other hand, it is connected to a number of problems with a criminal nature. These include procurement and trafficking in women, crimes against morality, crimes against the moral education of youth, threat of exposure to venereal disease, restraint of personal freedom, deprivation of personal freedom, sexual abuse, blackmail, robbery, and non-compliance with an official decision.

50. According to non-governmental organisations' estimates, the number of crimes committed and resolved crimes is considerably higher than the number of convicted crimes. The disproportion between the number of suspects and convicted offenders prosecuted for the crime of procurement is caused by the fact that the guilt of all suspects is not proved, and therefore no sentence can be passed.

51. In Resolution No. 331/1999 from April 14, 1999, the Government approved the document, Analysis of the Problems Connected with Prostitution and Definition of the Conditions for their Systematic Solution prepared by the Ministry of the Interior, and delegated to the Minister of the Interior to submit to the Government by the end of October 1999 the objectives of the Act on Prostitution, which will propose measures for the regulation of prostitution, measures on its pursuance and control. The Act shall enable stabilisation of the position of persons rendering sexual services, as they will be regarded as business subjects. It also sets the duty of health fitness for the pursuance of prostitution.

52. The international Convention on the Suppression and Prevention of Trafficking in People, and Exploitation of Prostitution of Others bans record keeping of prostitutes or establishments in which prostitution is performed, and equires contractual parties to pursue according to law those who would profit from the prostitution of others. The intention of the proposed law in respect of prostitution is not to profit from nor to keep records of persons engaged in prostitution. It is not only for the purposes of their registration.

53. At the same time, the Government delegated the Minister of the Interior and the Chairman of the Republic Committee for the Prevention of Criminality, in co-operation with ministers whose ministries are represented in the Republic Committee (particularly the Ministers of Education, Youth and Physical Education, of Health, of Labour and Social Affairs, and of Justice) to develop materials in respect of the proposed draft Act on Prostitution. These should contain a list of accompanying measures on the organisation, social-prevention, health, security, re-socialisation and administration which would facilitate introduction of the Act into practice and would motivate persons practising prostitution to cease such activity and return to normal life.

54. At the level of non-governmental civic activities, considerable efforts relating to the issue are carried out by organisations associated with the Co-ordination Circle for the Prevention of Violence against Women (La Strada CR, Rosa, Elektra, ProFem, Gender Studies Centre) and the organisation offering aid to victims of crime, White Circle of Safety (Bílý kruh bezpečí). The number of informative, preventive and educational activities organised based on co-operation between the Government and non-governmental non-governmental sector has been increasing. Such activities have included for example, a conference on the subject of domestic violence

[12] The campaign of the International Organisation for Migration entitled "Prevention of Trafficking in Women" is supported by the US Government. The main partners of the campaign are the Ministry of Interior's division of crime prevention, the Ministry of Education, Youth and Physical Education, and the non-governmental organisation La Strada.

organised by the Co-ordination Circle for the Prevention of Violence against Women together with the Police Academy, or a workshop for teachers of secondary police schools and the Czech Police Academy entitled Domestic Violence, which was jointly organised and participated in by the Czech Police and White Circle of Safety together with teachers of the Police Academy in Heerlen, the Netherlands. This resulted in new initiatives for the practical education of future policemen and their training in the field of police ethics and the teaching of attitudes and skills in solving situations connected with violence committed against women.

55. One of the serious problems connected to prostitution in particular is the spreading of venereal diseases. While the "traditional" venereal diseases can be successfully treated, a real threat lies in the increasing number of HIV-positive persons registered in the Czech Republic.

Development of the incidence of venereal diseases and HIV-positive persons

	1991		*1994*		*1997*	
	men	*women*	*men*	*women*	*men*	*women*
Syphilis	111	124	172	181	234	279
Gonorrhoea	4182	2964	1760	1099	662	387
Lymphogranuloma venerum	0	0	0	0	0	0
Ulcus molle	0	0	0	0	0	0
HIV-positive	11	1	30	8	49	14

56. In 1998, there were 344 HIV-positive persons over the age of 20 registered. Among them, there were 24 pregnant women, the number of infected women in the age range of 15-24 was 35.

Article 7

57. Representation of women in Parliament and the Government remains low. The situation is not satisfactory either on the central level or in the elected and executive bodies of lower levels. It does not meet the requirement of the 30% proportion of women in positions of authority for decision-making, which was enforced as one of the main goals of the UN Economic and Social Council to be achieved by 1995. The Beijing Coalition report from 1999 "the Action programme"[13] claims: *Between 1990 and 1998, there were only 5 women present in the Governments of CSFR (Czech and Slovak Federal Republic) and CR (Czech Republic). Out of 73 heads of district authorities, there were only 7 women at the end of 1998. Women's proportion in the judicial system is about half. However this decreases with higher positions. Women are more frequently members of trade unions (25% of women as opposed to 21% of men as economically-active citizens) and of non-governmental organisations, where they form 70% of all members. Women particularly associate in organisations promoting their professional and trade interests (e.g., Association of Business and Women Managers).*

Women in representative bodies of the Czech Republic based on election results

Election terms	*Body*	*Total No. of elected persons*	*Out of that women*	*Share of women in %*
November 1994	municipal, town, district and local authorities	62 160	11 100	17.9
June 1996	Chamber of Deputies of the Czech Parliament	200	30	15.0
November 1994	Senate of the Czech Parliament	81	9	11.1
June 1996	Chamber of Deputies of the Czech Parliament	200	30	15.0
November 1994	municipal, town, district and local authorities	62 412	12 785	20.5

[13] Platform for action: http: www.feminismus.cz/ebooks/platforma/ie

Development of the representation of men and women in the Czech Parliament according to elections results

Year	*1981*	*1990*	*1992*	*1996*		*1998*	
				Chamber of Dep.	*Senate*	*Chamber of Dep.*	*Senate*
women	58	22	19	30	9	30	9
men	142	178	181	170	72	170	72
women (%)	28.0	11.0	9.5	15.0	11.1	15.0	11.1

58. When drawing up the lists of candidates of individual political parties men were preferred to women for the 1998 local authority elections. However, more than 50% of women were elected from the lists of independent candidates. The final representation of women is only caused therefore by women's lack of interest in active participation in political life.

1998 elections - candidates and elected representatives

	Candidates			*Elected representatives*			*share in % of elected women*
	total	*women*	*% women*	*total*	*women*	*% women*	*candidates*
Chamber of Deputies	3 631	756	20.1	200	30	15.0	4.0
Senate (27 districts)	137	12	8.8	27	3	11.1	25.0
town councils	163 649	40 774	24.9	59 986	12 257	20.4	30.1
local and district boards	15 945	5 477	34.3	2 426	528	21.8	9.6

WOMEN IN THE DECISION-MAKING PROCESS

Number of employees according to their position as of Dec. 31, 1998

Position	Minister	Deputy Minister		Head of Division			Head of Department (incl. independent dep.)			Other experts			Department institutions manager			Head of detached departments	
Ministry of	M/W	M	W	M	W	%W	M	W	%W	M	W	%W	M	W	%W	M	W
Transport and Communications	M	3	2	16	2	11	33	8	20	104	102	50	-	-	-	-	-
Finance	M	3*	1	30	7	19	84	59	41	351	625	64	11	1	8	-	-
Culture	M	3	1	6	7	54	11	12	50	45	141	76	-	-	-	-	-
Local Development	M	7*	0	14	6	30	30	16	35	105	167	61	-	-	-	9	0
Defence **	M	11***	1	62	0	0	120	7	6	586	264	31	-	-	-	-	-
Employment and Social Security	M	6*	1	7	9	56	25	27	51	106	134	76	75	15	17	8	7
Trade and Industry	M	5	1	47	8	15	48	18	27	223	274	55	486	66	12	-	-
Justice	M	2	0	12	2	14	10	19	66	74	160	68	6	0	-	-	-
Education, Youth and Physical Education	M	5*	0	25*	3	11	12	3	20	109	229	68	19	1	5	64***	22***
The Interior	M	2	2	45	9	17	160	40	20	-	-	-	-	-	-	-	-
Foreign Affairs	M	4	0	35*	8	19	46	9	16	112	93	45	95*	12*	11	-	-
Health	M	5	1	10	12	55	9	11	0	61	158	72	70**	18**	20	-	-
Agriculture	M	4	0	20	4	17	29	18		-	-	-	6	0		62	5
The Environment	M	3	2	21	6	22	43	19	31	149	198	57	-	-		9	0
Office of the Prime Minister	4M	3	2	12	6	50	2	2	100	14	4	29	5	3	60	0	0
Total		66	14	362	89	20	662	268	29	2039	2549	56	773	116	13	152	34

* including Chief Executive of the Minister's Government
** organisations managed directly by the M. of Health
*** heads of education offices

* including Chief Executives

+ heads of representations abroad
++ incl. the Main Home Guards Office and General Staff of the Czech Army
+++ incl. the Commander of Home Guards of the Czech Republic, the Head of General Staff and division Chief Executives

Note: The overview was elaborated for the purposes of the Priorities '98 programme

Article 10

59. In order to make the state administration seek out and enforce methods and tools to reduce one-sided trends towards segregation of educational subjects and consequently in professions (branches), with regard to Priorities '99, the Government delegated the Minister of Education, Youth and Physical Education *to stimulate the individual abilities and interests of girls and women, especially in professions considered untypical for their gender.* The tools for achieving such goals will have the character of special te.nporary measures.

60. Over the monitored period and in connection with the 50th anniversary of the General Declaration of Human Rights, the Ministry of Education distributed posters published by the UN with the Declaration text and the publication, The Rights of Children to primary and secondary schools, (in co-operation with the UN Information Centre in Prague). In 1998, primary and secondary schools received as a teaching aid, a translation of methodological materials for practical exercises called Education for Human Rights, which included a chapter on equal rights of men and women.

61. The Ministry of Education is preparing measures for the further education of teachers. It offers teachers special courses on human rights and multicultural education, where - next to the issues of racism, xenophobia, violence and all other forms of discrimination, is the issue of elimination of all forms of discrimination against women[14]. Within the scope of under-graduate university education, in particular at pedagogical faculties, the Ministry supports programmes aimed at the improvement of those students' preparation, who will later deal with the issue of the elimination of all the above forms of discrimination in practice.

Legislation on equal access to education

62. In June 1999, the Minister of Education, Youth and Physical Education submitted to the Czech Government objectives of the new Education Act. These regulations modifying the sphere of pre-school, primary, secondary, higher vocational and out-of-school education, include provisions on the rights of students, on the protection of children against all forms of discrimination, on respect of children's dignity, and on respect of equality between boys (men) and girls (women), etc.

63. In connection with the Act currently under preparation, the Ministry of Education is also developing complementary decrees. To this effect, the Ministry has already taken into account the requirement of the Committee with regard to the elimination of certain persisting stereotypes in the education of girls who could not be accepted to study subjects designed exclusively for boys (and vice versa). There are few subjects in which the physical or health demands limit girls' participation (see existing Ministry of Health decree No. 261/1997 of Coll. on the Labour Code, and Item 128 of the Report).

64. The Ministry of Education, in co-operation with the Ministry of Labour and Social Affairs are currently preparing a new system of vocational and study subjects, which would offer the option of exception in the sense of the EEC Board directive from February 9, 1976, 76/207/EEC on implementation of the principle of equal treatment for men and women in access to employment, vocational and professional training, professional promotion and working conditions. Article 2 of the directive reads: *This directive is not detrimental to the member country's right to exclude from the range of its competence such activities- and where applicable - also training for such*

[14] E.g., In co-operation with the Faculty of Education of Palacky University in Olomouc, the U.S. Information service, and the Foundation for Education towards Constitutionality, the Ministry organised in 1999 the 6th yearly summer school for teachers of civics and the introduction into social sciences of the subject of Multicultural Education, Tolerance and Responsibility.

activities in which because of the nature or context of the function performed, the gender of the worker represents the deciding factor.

65. In decree No. 354/1991 of Coll., on secondary schools and in order to protect pregnant students, the Ministry of Education designated secondary school directors to enable interruption of studies by a student due to pregnancy and motherhood during practical lessons, if they would be detrimental to the student's pregnancy or if held at workplaces prohibited to pregnant women and mothers by special regulation. After the interruption, the student may subsequently take exams for the period in question and continue in her studies.

66. In the preparation of future legislation and conceptual materials, the Ministry of Education will take into consideration conclusions of discussions relating to harmonisation of Czech and EU legal regulations for Chapter 18 - Education, Training and Youth. These conclusions are legally binding and have a character of recommendation to the Czech Republic. Two of the regulations are of special importance, the first relates to the mechanism of introduction and enforcement of equal opportunities for girls and boys, and the second, to the vocational training of women[15].

67. The study interests of girls have concentrated especially on the economic or social fields in which they could find jobs in past years. However, today demand for graduates of these schools has already been saturated in the labour market.

68. One solution of refocusing girls' interests in other areas of study or towards vocational training is to promote information on the options of the untraditional women's professions, particularly in the scientific and technical fields, and on the options in the choice and nature of subjects or vocational training preparing for these professions. Awareness of the available options is raised by the introduction of a new subject to primary schools called Selection of a Profession introducing boys and girls to prospective fields with regard to specific conditions of health requirements, and simultaneously with regard to the equal rights of women to choose their profession and its fulfilment. An important part is also played by the increased awareness of girls of the situation in the labour market and by the fact that in the former "typically feminine" professions it is ever more difficult to find employment. Apart from the aforementioned subject "selection of a profession", there are also career advisors at schools and pedagogical advice centres, which contribute to students awareness of their options and study perspectives as well as their opportunities in the labour market.

Representation of girls at individual levels of education

69. The representation of girls in pre-school education and compulsory education at primary schools (9 years long, starting at the age of 6) remains constant at about 48 percent, which is solely due to their proportion in the corresponding population. In the completion of primary education, there are no differences between girls and boys. About 1.6 percent of both groups finish compulsory education before the last year of primary school. The possibility of further vocational education is open equally to both genders.

70. At the level of secondary education which is no longer compulsory, the proportion of girls is slightly higher than is their ratio in the population group. Statistical data thus confirms that access to education depends only on the quality of the candidate and that girls are not discriminated against in any way. Early departures from secondary schools are not statistically monitored, but the experience from schools and comparison of the number of students accepted

[15] Resolution of the Council and of the Ministers for Education meeting within the Council of 3 June 1985 containing the action programme on equal opportunities for girls and boys in education. Commission Recommendation of 24 November 1987 on vocational training for women.

as school leavers over the appropriate number of years roughly confirms the higher study success of girls.

Representation of girls at secondary schools

School year	*Students in thousands*		*Proportion of*	*Proportion of girls in the corresponding*
	total	*out of that girls*	*girls in %*	*population in %*
1995/96	653,0	336,5	51.5	48.8
1996/97	532,1	277,2	52.1	48.8
1998/99	471,1	240,2	51.0	48.8

71. The proportion of girls varies according to the different types of secondary education. Girls compared to boys continually show a higher interest in studies at gymnasiums (grammar schools with the complete secondary general education, and an exam culminating in a school-leaving certificate) which direct students towards study at higher vocational schools and universities (girls represent almost 59 percent of students at gymnasiums). Girls show the lowest interest in secondary vocational education leading to worker's and crafts' professions. In this field, there was a positive shift in the school year 1996/97, though followed by a considerable reduction in 1998/99 to less than 37 percent of girls of the total number of students.

72. The high proportion of girls in complete secondary education (graduated with a school-leaving certificate) also affects their high number at higher vocational schools. This ratio has been increasing rapidly, in 1998 amounting to almost 69 percent (especially in the economic fields). The proportion of women studying at university has been increasing in recent years, though it is still lower than their proportion in the corresponding age group of women in the population.

Representation of women at universities

School year	*Students in thousands*		*Proportion of*	*Share of girls in the corresponding population in %*
	total	*out of that girls*	*girls in %*	
1995/96	129,4	56.4	43.6	49.0
1996/97	143,9	62.8	43.6	49.0
1998/99	163,0	72.9	44.7	49.0

73. At individual levels of education classified according to the main subject groups there are considerable differences in the proportion of girls and women among school leavers. The decreasing interest of girls in apprenticeships, i.e., in achieving skilled worker's qualifications, is most clearly reflected in their proportion as school leavers than in the total. In the school year 1997/98, from secondary vocational schools which prepare skilled workers, only 36.6 percent of school leavers from the total number were girls and this was reflected in a reduction of girls in all the main subjects. Their interest continually focuses on the health care, economic and administrative fields.

Proportion of men and women among leavers of secondary vocational schools (skilled workers)

	1995/96			1998/99		
Main groups of vocational subjects	*School leavers*	*Out of that girls*	*girls ratio in %*	*School leavers*	*Out of that girls*	*girls ratio in %*
Total	74204	29495	39.7	52390	19162	36.6
Technical fields(2.3)	46777	10352	22.1	29529	5609	19.0
Agricultural and veterinary fields (4)	3985	1910	47.9	2886	676	23.4
Healthcare (5)	164	158	96.3	35	30	85.7
Economy, administration (6.7)	23038	16974	73.7	19659	12734	64.8
Art (8)	240	101	42.1	281	113	40.2

74. In the complete secondary vocational education, the share of girls in the total number of school leavers has slightly decreased. However the structure of subjects shifted in a more distinctive way. Next to the first graduates in the environmental protection field with approximately 46 % of girls, there has been a positive development in the increased total number of school leavers in technical fields, both male and female, and especially in the proportion of girls, which increased from 28 percent in 1995/96 to 33 percent in 1998/99. Although the proportion of girls is still considerably higher in the fields of healthcare, pedagogy, economy and administration, it has been decreasing in favour of the aforementioned technical and environmental protection fields.

Proportion of girls among school leavers of the complete secondary vocational education

	1995/96			*1998/99*		
The main fields of vocational education	*School leavers*	*Out of that girls*	*No. girls in %*	*School leavers*	*Out of that girls*	*No. girls in %*
Total	43932	26217	59.7	59265	35273	59.5
Ecology and environmental protection (1)	0	0	x	141	65	46.1
Technical subjects (2,3)	18091	5066	28.0	21928	7258	33.1
Agricultural and veterinary subjects (4)	4130	2069	50.1	3683	2021	54.9
Healthcare (5)	5078	4992	98.3	4351	4150	95.4
Economy, administration (6,7)	15914	13665	85.9	28020	21052	75.1
of that pedagogical lines	882	844	95.7	1003	924	92.1
Art subjects(8)	719	425	59.1	1142	727	63.7

75. Female university students - like female students of secondary schools - select certain fields of study more frequently than men. This is the same in all countries of the European Union[16]. In the EU, women are especially visible in the fields of medicine including the education of nurses, and the humanities, while they participate little in the engineering fields. It is only in the technical field that Czech women's interest is well below the European average. It is however necessary to recognise that monitoring of school leavers' numbers (as required by the Committee) shows study interests as they were about five years ago.

[16] Key data on education in the European Union in 1997. Institute for Information in Education, EC, Prague.

76. Over the past three years, the total number of female university graduates has increased by almost 60 percent from less than 10 thousand in 1995/96 to more than 16 thousand in 1998/99. The number of women has especially increased in the social sciences field including the teaching profession, which together with health care dominate women's interests and reach the highest proportions in the total number of graduates. The marked reduction in the proportion of female graduates in technical fields both in absolute numbers and particularly in their proportion to the total number of graduates in this group is quite negative.

Proportion of women among university graduates

	1995/96			*1998/99*		
The main groups of study subjects	*Graduates*	*Out of that girls*	*No. girls in %*	*Graduates*	*Out of that girls*	*No. girls in %*
Total	19017	9817	51.6	26656	16569	62.2
Natural sciences	1163	444	38.2	1688	598	35.4
Engineering sciences (2,3)	4180	1404	33.6	5905	1239	21.0
Agricultural and veterinary sciences (4)	1340	525	39.2	1484	547	36.9
Healthcare (5)	1810	1161	64.1	1667	1078	64.7
Social sciences(6,7)	10112	6079	60.1	15238	9198	60.4
of that teaching profession	3890	2883	74.1	4955	3564	71.9
Cultural sciences (8)	412	204	49.5	674	345	51.2

Retraining Possibilities

77. The current range of re-qualification courses on offer covers a wide spectrum of specialisations, reflecting both the needs on the ground in addition to the capabilities and interests of applicants. Courses are designed for both genders with no differences. The only educational programme designed solely for women is called Bridge to Life implemented in the city of Trutnov. Besides being a re-qualification course its main aim is socialisation as it is focused on girls and women finding a position in society, e.g., after a term in prison, after leaving a disciplinary institution or children's home, etc.

78. There is currently no possibility of free re-qualification designed for women's completion of education during maternity leave or during their initial period of child care. In this case the applicant is not registered at the Labour Exchange as a job applicant, which is a pre-condition of applying for free retraining. Such women do not usually have the financial means to pay for re-qualification courses. Priorities '99 delegates the Ministers of Labour and Social Affairs, and of Education to find a solution relevant to this situation and to provide retraining to this group from the state budget.

Youth care, physical training and co-operation with non-governmental organisations

79. The Ministry of Education, Youth and Physical Education co-operates with non-governmental organisations concerned in particular with issues of children, youth, physical education and sports. This co-operation consists mainly in the support of civic associations and other non-governmental organisations by providing grants for children's and youth activities, (the Czech Women's Association, the Association of Majorettes, the Association of Mothers), or through the financial support of the all the activities of the association (YWCA)[17]. Grants are advertised and provided annually within the framework of programmes for the support and protection of children and youth. They thus enable non-governmental organisations and youth groups to

[17] For instance: YWCA received in 199 189 thousands CZK, the Czech Women's Association 100 thousands CZK.

participate in solving actual tasks in the area of state policy for children and youth. Regarding the promotion of equal rights for men and women through education, the Ministry has started co-operation with the organisation, ProFem.

Access to special educational information

80. The Initial Report mentions the development of, the National Programme of Social Prevention, which contains measures to advance quality education on marriage and parenthood, on sex education, on prevention of unwanted pregnancy (contraception) and the elimination of prostitution. The Ministry of Education also developed human rights education generally as well as that on the equal rights of men and women.

81. The curriculum of educational programmes, covers the issue of equal rights by incorporation into the standard of elementary education under, "Education for a healthy life style", into secondary education under, "Educational aims and requirements on the contents of general secondary education" and under, "Standards of education at the four-year gymnasium" and under, "Standard of general vocational education"[18].

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[18] For the purposes of primary schools human rights education is elaborated in the material called *"Education for a Healthy Life Style"* approved by the Ministry of Education, Youth and Physical Education (MEYPE, CR) on August 22, 1995 under ref. 2081/95-26, in the field of social sciences and a healthy life style.
Educational Programme - Elementary School, approved by MEYPE, CR under ref. 16847/96-2 with effect Sep. 1, 1996, amendments approved by MEYPE, CR on August 28, 1998 under ref. 25018/98-22 with effect Sep. 1, 1998, elaborates human rights education in the subjects of introduction to local history and geography, natural sciences, and in the course of education for a healthy life style (e.g., subjects: Home, Our community, Man, Man among people, Introduction to family and sex education), civics (e.g., chapters: Man and human rights, Man and ethics, Life in the community), family education (e.g., chapters: Family and the wider social environment, Development of personality).
Educational Programme - Elementary (general) School, approved by MEYPE, CR under ref. 1203/97-20, includes human rights education in the subjects of drama education, introduction to local history and geography and to natural science (e.g., chapters: People around us, Employment, Man in the community), civics (e.g., in legal, anthropology and political science sections), family education (e.g., Image of family life, Social manners, We are citizens, Healthy life style, We are going to be parents).
Educational Programme - Elementary (national) School, approved by MEYPE, CR on March 17, 1997 under ref. 1203/97-20, with effect September 1, 1997 as the educational programme for the 1st to 9th years of elementary education, includes human rights education in the subjects of introduction to local history and geography and to natural science (E.g., I respect human rights and democracy, I want to behave correctly and orientate myself in the world, etc.) civics and family education (E.g., The State and the law, citizens' rights and obligations, Man looking for a community, Home, Family, Adolescence, etc.), and into the programmes of intellectual skills (E.g., Law, Justice, Democracy, etc.), and education for a healthy life style (e.g., the chapter on attitudes).
Standards of education at the four-year Gymnasium, approved by MEYPE, CR on February 12, 1996 under ref. 27532/95-2, includes human rights education in the sphere of social sciences.
The educational document for Gymnasiums approved by MEYPE, CR with effect September 1, 1999, elaborates this education in the subjects of civics, introduction to social sciences (E.g., Human rights, Morals and ethics, A Man as a citizen, Introduction to sociology, etc.).
Standard of general vocational education, approved by MEYPE, CR on November 18 under ref. 34221/97-23, with effect January 1, 1998.
As far as vocational secondary schools and secondary vocational apprentice schools are concerned, the issues from the sphere of social-science education are included in the educational curriculum approved by MEYPE, CR on July 21, 1998 under ref. 23212/98-23/230 with effect September 1, 1998. Human rights education is elaborated in the curriculum of civics (e.g., sections: Man in a community of people, Citizen and democracy, Man and the law).
The abovementioned types of human rights education do not contain education of equal rights of men and women as a separate chapter, all the mentioned types however apply this education in practice starting as early as the 1st year of elementary school and relate to the age of the child, pupil, student and citizen.

Support of research projects (examples)

82. The Institute of Children and Youth, which is an organisation controlled by the Ministry of Education, undertook sociological research questioning the aspirations, attitudes and reality of young people's lives in respect of the exclusion of rural youth and of the position of young women in society. The answers of the respondents of whom the majority were under 18 showed that the division of activities between men and women is affected by traditional schemes and has been changing only gradually, as well as the opinions of "male" and "female" qualities.

83. The aim of the international intervention project which is part of the EU's Leonardo Programme, participated in by the Institute of Pedagogical and Psychological Counselling (an organisation of the Ministry of Education), is to create and to test in practice methods which might enhance further the equal access of men and women to secondary and higher vocational education and their practice in the specialised qualified professions (particularly the concept of support in the selection of uncharacteristic professions for girls). There are another four bodies from the Czech Republic co-operating in this regard: the Association of Industry, The Association of Tenants, Glauvion and the INPRO Institute. The employees of the Institute of Pedagogical and Psychological Counselling participating in the project are looking into the possibilities of counselling in the school system. The project will also include participation at regional workshops by counselling departments, Labour Exchanges, schools and employers' organisations.

84. A survey on reproduction and family was undertaken by the Czech Statistical Office, in co-operation with the Ministry of Health and the World Health Organisation (WHO) in the second half of 1997 as part of an international event prepared by the European Economic Commission.

85. The Research Institute of Labour and Social Affair. ntinues to work on research regarding the issues of family and women's position in society. In 1999, the Institute was asked by its founder, the Ministry of Labour and Social Affairs, to prepare the project, "Equal opportunities for men and women", which arises primarily from the need to prepare Czech entry into the EU. One aim of the project is to analyse the environment in which EU standards will be adopted as well as obstacles to be overcome. A scientific team at the Sociological Institute of the Czech Academy of Sciences has already been focusing on gender issues for some time. Among the most significant projects recently is research entitled 'The position of female labour within and outside the labour market', (1996). The team is currently completing research entitled " The position of female university graduates in the Czech Republic in the1990's" while projects entitled, "Women in Czech science - the position of women in the structures of the Academy of Sciences of the Czech Republic between 1953 and 2000" and "Social strategy and mechanisms related to women's position in Czech society" are under preparation. The research is financially supported by the Grants Agency of the Czech Republic (from the state budget for science and research).

86. Authors of the research pass their results to the central bodies of the state administration which use them in the framework of their competence.

Article 11

87. One of the results of the current preparation process for the Czech Republic's entry into the European Union is the enforcement of the principle of equal treatment of men and women in employment and increasing the protection of employees against gender based discrimination. The process of legal harmonisation was effectively started by a Ministry of Labour and Social Affairs proposal (see Priorities '98) to fulfil the constitutional principle of citizens' equality regardless of their gender by introducing the explicit prohibition of discrimination based on gender, matrimony, family status and performance of obligations towards family while fulfilling

the right to employment. In this respect the right to employment means the right of a citizen to get employment mediated by the state, to receive material support in unemployment and any necessary requalification after a job loss. At the same time it is prohibited to discriminate in a job offer by non-compliance with the principle of equal treatment for men and women[19]. An offer of employment means both an offer advertised by the public media or an offer arising from the interview of an applicant by an employer, from a competitive process and so on. The aforementioned regulations form part of amendments to the Employment Act, and the comments on these regulations are part of the evaluation of Article 2 of the Convention.

88. At present the Government (the Ministry of Labour and Social Affairs) is preparing draft amendments of four laws: the Labour Code, the Act on wages, remuneration for disposability and on average earnings, and on salary and remuneration at certain state-budgeted and some other organisations and bodies (see Article 12). The aim of the changes is to achieve complete harmonisation with European Union labour law.

89. The proposed amendments to labour-law relations will introduce (see Article 3 of the Convention):

- prohibition of both direct and indirect discrimination based on gender, matrimonial or family status, or obligations towards family,
- equal treatment of men and women in employment,
- prohibition of sexual harassment,
- consistent equalisation of men and women caring for children (by transforming part of existing maternity leave to "parent leave" in accordance with EU regulations),
- consistent introduction of the principle of equality in rewarding men and women.

The draft amendments to the acts listed under Article 83 will be submitted by the Government to the parliament of the Czech Republic by the end of 1999.

90. On June 16, 1999, the Government approved a draft amendment to the Civil Judicial Order, by Resolution No. 589, which shifts the burden of proof from the plaintiff to the defendant in relation to the prosecution of discrimination in labour relations.

Article 11, paragraph 1, letter b)

91. Column 4 entitled "Support of equal opportunities for all citizens" of the National Employment Plan (see Article 24), in line with EC regulations on employment policy, proposes measures aimed at the elimination of discrimination in access to employment, at enhancement of legal and institutional tools and mechanisms for the elimination of all forms of discrimination in the labour market, and at the introduction of a system of monitoring discrimination. Another objective is to create conditions for the adoption of temporary measures (positive actions) for the benefit of those groups of the population, whose access to employment is considerably hampered due to their race, gender, etc. Creation of an environment suitable for the adoption of temporary equalising measures is also a part of the Priorities '99 Government programme.

[19] Amendment to the Employment Act, provisions of the paragraph 1: "(1) A citizen has the right to employment. This right must not be denied due to his/her race, colour of skin, gender, sexual orientation, health condition, age, matrimonial and family relationships or obligations towards family, with the exception of cases defined by law, or if there is a de facto reason in qualification, requirements and nature of the job that are necessary to be met by persons while fulfiling working tasks. (2) Parties in a legal relationship arising from this Act are prohibited from offering employment which would contradict the provision of paragraph 1."

School system

92. The representation of women in the competence of the Ministry of Education, Youth and Physical Education was mentioned in Article 119 of the Initial Report as: ... *a feminized branch of education, where a small number of men men largely occupy leading positions*. The same is also true for the next period monitored.

93. The selection of employees for management positions at the Ministry and organisations under its control including schools, is competitively based and concrete requirements of the applicant are fixed by a special regulation. The applicant's gender is never a criterion of selection. The overall representation of women in management positions at the central level increased from 21 percent in 1995/96 to 27 percent in 1998/99. In the representation of other professional positions, the average proportion of 1:2 for men and women still remains.

94. The school system is characterised by the highest proportion of university graduates from all fields, because it requires (with the exception of teachers in nursery schools) a university qualification with master's degree. While the proportion of university graduates among employees in the Czech population amounts to approximately 11 percent, their proportion in the education field is 41 percent. The total of female university graduates employed (in all branches of the national economy) is 10 percent, with 36 percent of female university graduates and even 59 percent of male university graduates in the education field. The share of university graduates has been increasing since development of the Initial Report.

95. Of the total of university graduates in all fields, about 22 percent work in the field of education, and of that 38 percent are women and 12 percent are men. Because the ratio of women among teachers was not monitored until 1998, it is impossible to compare its development from the time of elaboration of the Initial Report. At present the ratio of women in nursery schools is 100 percent (a long-term feature), 84 percent at primary schools, 54 percent at secondary schools, out of that 65 percent at gymnasiums, 58 percent at vocational secondary schools and 45 percent at secondary vocational apprentice schools. The ratio of female teachers at higher vocational schools is almost 55 percent, while there are only 33 percent female university teachers. We may state that the ratio of women among teachers declines with the increasing level in the education system.

96. The Ministry of Education is making efforts to provide motivation for men and women (with the aim of reaching a more balanced representation of genders among employees and to eliminate any causes of discrimination) by means of the so called programme of the gradation of teachers' professional path. The programme is guided by the right to incremental pay and by the possibility of carrying out certain functions with further possible bonuses. The programme is part of the Education Act under preparation[20].

Culture

97. The Ministry of Culture financially supports professional artistic work by subsidies to selected cultural institutions of national importance, and nonprofessional cultural activities in the form of subsidies to civic associations. With regard to their participation in an active cultural-social life, women permanently represent the most active part of the public. Women also form the more numerous and active group of participants in educational events offered by the Ministry of Culture, or, respectively, by the Information and Advice Centre for Local Culture controlled by the Ministry, aimed at improving qualifications for work with children.

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[20] The Minister of Education shall submit the proposal to the Government in the 2nd quarter of 2000. The Act is expected to come into effect in September 2001.

98. The Ministry of Culture has a high ratio of female employees in the sector for which it is responsible. The total number of employees of the Ministry and organisations under its control included 71 percent women at December, 1998. However, only 12 percent of them worked in management positions (against 30 percent of all men). Out of the total number of management positions, 53 percent of women were head of division and 52 percent of women were head of department.

99. Average remuneration of men and women employed in the sphere of culture shows a high rate of similarity (the share of the women's average wage in relation to men's average wage).

Economy and business

100. With regard to support from the state administration, since 1993 the Ministry of Trade and Industry has been co-operating with the Association of Business and Women Managers (Asociace podnikatelek a manažerek- ABWM), which is a non-governmental organisation focused on the active support of women in business in the Czech Republic. The organisation was founded in 1990 on the initiative of women starting their own private companies. The Ministry has given regular financial support in the sum of CZK 95 thousand a year since 1993 from its budget. In March 1999, the Ministry of Trade and Industry supported an ABWM project and co-funded the costs of the IIIrd BPW (Business and Professional Women) International Congress in the Czech Republic entitled "Women in Business on the Eve of the Third Millenium". The aim of the congress was firstly to support women's SMEs (small and medium sized enterprises) during the period of the Czech Republic's preparation for entry into the EU.

101. Women also form the target group of an EU programme aimed at the support of craft and small businesses[21] by the creation of a positive business environment. The Ministry of Trade and Industry is the guarantor of this programme for the Czech Republic.

102. One of the areas continually monitored by the Ministry of Trade and Industry is the representation of women in management positions outside the sector controlled by the Ministry's administration. Professional qualifications and individual abilities are the main criteria for filling management positions, whether in state enterprises or as appointed members of controlling bodies of joint-stock companies (representative or supervisory committees) in which the Ministry of Trade and Industry represents the state. The principle of equality between men and women is strictly observed.

103. At December 31, 1998, there were 5 women (of 26 of such positions) working as manager of a state enterprise established in line with Act No. 77/1997 of Coll., on state enterprises. There were 37 female managing directors in 243 residual state enterprises and no female managing directors in the seven state-owned enterprises with non-transformed proprietary relations.

Defence

104. In the Defence Department women make up more than half of the civilian staff and 7.4 percent of professional soldiers. Both groups differ in their legal status and their occupation. Employment relations of the female civilian employees follow the Civic Code while legal provisions and limitations applicable to the professional soldier also govern the female soldiers. Service regulations are based on observance of the principle of equality of men and women and respect physiological differences in determining standards of testing physical ability, in pregnancy and child care.

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[21] Crafts and Small Enterprises

105. Professional women soldiers can hold any position in the army designed for officers and warrant officers. Depending on the professional skills the soldiers have acquired, they may then achieve promotion to the appropriate rank(s). Most professional women soldiers serve at the rank of non-commissioned officer and hold lower technical and expert positions. The highest rank achieved by a woman soldier so far is that of lieutenant-colonel. In practice access of women to the military professions is governed by the number of study subjects at military secondary schools and universities that are open to females.

106. The most common positions held by women soldiers are administrative and technical. The service of women in the army is fully integrated. The training and service of women takes place alongside male colleagues and usually under their command. Women also serve in combat units (their representation here is about 5 percent) but a woman in a commanding position is still exceptional. About thirty women have taken part in the observation and peace-keeping missions on the territory of the former Yugoslavia.

107. The Czech Republic's membership of NATO will put greater emphasis on the integration of women into the armed forces and on the creation of equal conditions for their service. Since 1998 the Czech army has been a member of the Commission for Women in the Armies of NATO, an advisory body to the Military Committee of NATO. The task of this body is to submit recommendations to member states' armies for the creation of new opportunities for the professional service of women, for enforcement of equality between men and women in respect of career opportunities, and for the improvement of the social conditions for women in service. The main focus of the Committee is women soldiers, and this year the Czech representative has been elected to the four-member executive board.

108. In 1998, a working group was set up by the Ministry of Defence to deal with the issues of equal opportunities for men and women. To date, the committee has been focusing mainly on monitoring and analysing, ascertaining the true state of affairs, to enable the consistent enforcement of principles of equality in this traditionally male institution. On the initiative of the committee, the research department of the Ministry of Defence will participate in the IV. medium-term programme of the European Union on equality of opportunities for men and women and will apply for a grant for realisation of an international research project dedicated to the issue of women soldiers as a specific professional group.

109. Implementation of the principle of equality into the service and professional relationships between men and women is important with regard to the increasing interest of young women in this untraditional occupation, to the planned reduction of civilian staff, and to the gradual professionalisation of the army.

Justice

110. With respect to the proportion of women employed in the judicial sphere, the situation is favourable. Yet while the proportion of women among judges, excluding those of the higher courts and Supreme Court, exceeds half of the total number of judges registered, their representation in leading positions is worse compared to that of men. Out of 14 chairpersons of regional, regional commercial chambers, higher courts and the Supreme Court, there are only four women, of 38 deputy chairpersons nine are women. The situation at the level of chairpersons and deputies of district courts is better. Forty percent of chairpersons are female and the percentage of deputy chairpersons is as high as 65 percent. Women are significantly represented in the position of senior administrators at regional and higher courts (79%) and district courts (98%).

Number of judges and probationary judges at January 1, 1999

Courts of justice	*Position*	*Total*	*No. of women*	*Percentage of women*
Regional	judges	602	342	56.8
	probationary judges	391	184	47.1
Regional commercial	judges	157	105	66.9
	probationary judges	18	6	33.3
District	judges	1451	992	68.4
	probationary judges	-	-	-
Higher	judges	127	58	45.7
	probationary judges	-	-	-
Supreme	judges	53	14	26.4
	probationary judges	-	-	-
Total	judges	2390	1511	63.2
	probationary judges	409	190	46.5

Article 11, paragraph 1, letter d)

111. *With regard to the present state of Czech society, a Government priority is to secure equal conditions for men and women in access to economic activity, equal treatment at work and equal remuneration for work. The consistent elimination of groundless inequalities is considered a main condition for the economic independence of women and therefore a prerequisite of fulfilment of their other individual rights. Measures securing the equality of men and women in employment relations are included in the national action plan (Priorities '98) and in other programme documents, e.g., the National Employment Plan. The amendment to the Employment Act details the prohibition of discrimination of men and women in access to employment and during employment, simultaneously banning discriminatory advertising. In connection with obligations arising from the Czech Republic's prepartion for entry into the EU, the principle of equal treatment of men and women has been integrated into the draft amendment of the Labour Code as well as amendments of legal regulations governing remuneration for work.*

112. Priorities '98 delegates the Ministry of Labour and Social Affairs to elaborate a method of evaluating work, to enable an assessment of the equality of remuneration between men and women. At the same time the document delegates the Ministry to continually monitor observance of the principle of equality by employers. The Ministry did not carry out any inspections during the period monitored. In 1998, the Czech Bureau of Work Safety found 73 cases of women employed in inappropriate positions and two cases of pregnant women employed in positions considered a danger to their condition.

113. *The extent of the actual enforcement of equality of men and women in employment depends on concrete conditions under which citizens looking after children and other dependent persons, i.e., mostly women, are at the same time, able to fulfil the obligations of their employment. Support of the creation of those conditions, especially by maintaining a network of pre-school care facilities is among the top priorities of the Government. Intermediate results confirm that facilities and services are sufficient, good quality and accessible (Beijing Conference). Accessibility is worse only in small village communities.*

114. The traditionally high percentage of employed women remains, and the ratio of self-employed women is also high. The basic reason for this is the continuing dependence of most households on two incomes. The possibility of unemployment is greater for women than it is for men showing that the chance of finding a new job is more difficult for women. In access to employment there is a tendency to discriminate against women, especially women with small

children and women over fifty years of age. In order to increase the level of competitiveness of women in the labour market, but also as a result of the increased interest of women in personal fulfilment, Priorities '98 contains a measure for which the Ministers of Labour and Social Affairs, and of Education, Youth and Physical Education are responsible: *to secure possibilities of state support for the re-qualification of citizens, especially women who have not been economically active for some time, mainly due to child care.*

115. Differences in the remuneration of men and women have continually been an issue of interest for the Government and central bodies of the state administration. Therefore earnings according to gender are monitored as one of the most important classification criteria in the selective statistical research on wages. The last research was carried out in 1996 and 1997, with samples chosen from the private and non-business sectors.

116. In order to deal with the wage disparity of women, a general idea of women's position in the labour market is necessary. The structure of women's employment positions differs from that of men, and this factor has a strong influence on the average income. Other differentiating factors are the type of business and type of management (ownership sector), qualifications expected of employees (education, wage rate) but also age in relation to the working careers of men and women. Furthermore, the average income is influenced by many specific factors, especially working hours and the nature of the working duties. These reasons mean that it is not possible to give a numerical indication of the difference in wages between men and women as an unambiguous numerical expression of discrimination by gender.

Average monthly gross pay of employees in the years 1996 and 1997

Year	*Total employees*	*Men*	*Women*	*Measure of parity* [1]
1996	9,610	10,874	8,026	73.8
1997	11,017	12,632	9,275	73.4

1) Measure of parity as expressed by the proportion of women's pay with men's pay in percentage

117. An analysis elaborated in connection with an investigation of employee wages in all sectors of the national economy[22] came to the following results:

- The measure of parity of average wages is greatly influenced by the length of working hours; in 1997 only 2.7 percent of men worked shorter hours in contrast to 8.5 percent of women, with men also working more overtime. These factors increase the difference of average wages by about two percent.
- Women in general have a higher level of education than men, especially dominating the category of completed secondary education. However, at the two top levels of university and scientific education, men dominate. After excluding the factor of education structure, the measure of parity of average wages decreased by about four percent.
- Women dominate (according to the nine main employment classification categories) in non-manual jobs without managing or directing personnel (categories 2-5) and in the last class of unskilled labourers. Men dominate in the category of skilled labour occupations (skilled workers – category 7) and they also dominate in management positions (56 percent). After excluding the effects of employment structure, the wages of women make up only 70.86 percent of those of men.
- In classification by wage rates or payment classes (reflecting employees qualifications) women dominate in the lower grades (1-3 and 7-9) men in the remaining grades (4-6 and 10-12). This corresponds to the previous types of classification. The highest three grades are increasingly

[22] Holý, D. (1999): Analysis of income disparity between men and women based on selective examination of employee wages. Statistika 2/99, Czech Statistical Office, Prague.

dominated by men, while there are only 12 percent of women in grade 12 (the highest). After excluding the effects of employment structure according to wage rates, the parity increased to 82.03 percent.

The working careers of women in time differ from those of men (interrupted by child care, perhaps repeatedly). In general the average wage of an employee is highest at the end of their career, due to earlier retirement, women reach the highest wage between the ages of 55 and 59 years (the wage increases in the course of their career by about 33 percent), in men after sixty (increasing by 39 percent). Despite all the differences, age does not significantly influence the total proportion of average wages.

The measure of parity varies significantly in individual branches of the national economy, being the smallest in trade, motor vehicle repairs and consumer goods repairs (62.3 %), then in the health service (62.2 %), and in banking and insurance (66.6 %). The highest measure of parity is in the transport, warehousing, postal services and telecommunications sectors, in other public, social and personal services (82 %) and in the construction industry. Women receive comparatively better wages in those sectors where they are least represented, with the exception of education (78.3 % of the average wage of men). Employment of women is structured more favourably than that of men (women in banking raise the average wage of women). Women in the same branch structure would only get 72.12 % of the male wage.

The wage disparity of women varies depending on individual jobs: at some places it is minimal (elementary school teachers), elsewhere women receive significantly lower wages, (e.g., printers and typesetters – 58% of men's wage with equal qualifications).

118. The conclusions can be summarised: women generally dominate in industries with higher wage levels. They have better primary qualifications for entering the labour market, however, they face unfavourable working structures. In female dominated spheres, there are usually lower wages.

Proportion of women's average wage compared to that of men (in %) according to education and age

		1997	*1998*
Education	elementary	74.9	74.6
	vocational and secondary without leaving exam	69.1	71.6
	complete secondary with exam	75.5	72.9
	higher	68.9	64.9
Age	up to 19 years	91.4	84.6
	20 - 24 years	85.0	82.6
	25 - 29 years	76.3	73.4
	30 - 34 years	70.5	67.1
	35 - 39 years	72.6	68.4
	40 - 44 years	73.0	69.4
	45 - 49 years	74.4	70.6
	50 - 54 years	76.8	74.1
	55 - 59 years	84.9	77.4
	60 years and over	68.0	65.5

Article 11, paragraph 2, letter c)

119. With regard to the ongoing transformation and liberalisation of the social services, there are fears about the continuation of an accessible network of facilities providing child care and care for persons in need. As a result of this, Priorities '98 includes the following provision whose implementation is the responsibility of the Ministers of Education, Youth and Physical Education, of the Health Services, Regional Development, and the new Minister of Labour and Social Affairs: *Within the framework of their legal competence, to support the establishment and operation of facilities for child care and care for persons in need especially where they supplement or substitute care provided by employed persons.*

120. In this respect, an important role is performed by the schools department that was not mentioned in the Initial Report. Besides schools, the department controls a network of other educational facilities. These facilities provide supportive services to schools and to a considerable extent provide social services to families, thereby relieving women for employment. They are divided into facilities of pre-school education and care, food provision, leisure time, hobby, recreational, as well as school disciplinary institutions, facilities for preventitive discipline and facilities for educational counselling. The density of the network of these facilities falling under the competence of the Ministry of Education, Youth and Physical Education is governed by actual needs and available resources of the state budget. The current availability and network of these facilities is of a good standard. The network is currently being supplemented with facilities for care of severely physically disabled children in order to fulfil their right to education and at the same time to create conditions for the personal fulfilment of their carers within the family, who bare the main burden – mothers.

121. Care for the youngest children up to the age of three, is provided by nurseries falling under the competence of the Ministry of Health.

122. Pre-school education in kindergartens is part of a long tradition in the Czech Republic. These facilities are attended by children between ages three and five, and in justified cases also by children younger or older whose school attendance has been postponed. The Czech Republic is among countries with the longest average school attendance of these children (2.7 years) and with a high proportion of registered children of the total of that age group in comparison with other countries, exceeding 90 percent.

123. The current availability of kindergarten places is usually adequate. In many areas schools are merging and closing down for demographic reasons, i.e., the decreasing child population which will continue in the coming years. Kindergartens are usually established by local authorities (which also cover investment and running costs while the state covers educational requisites and salaries). Kindergartens for disabled children are usually established by the Ministry of Education. Since presentation of the Initial Report, the number of children attending kindergarten has been fluctuating with a mild increase last year.

124. After school care is provided for children and youth in after school centres, (open to children aged six to twelve, i.e., the first four grades, first level of elementary school), and in clubs (for youth aged 12 to 15, i.e.,, the fifth to eighth grade of elementary school, second level) that are usually run as a part of elementary school and have a widely spread network. Depending on their possibilities schools also offer hobby clubs. The demand for nurseries slightly increases every year and currently exceeds 36 percent of first level pupils. The situation is similar in school clubs.

125. An important part of child care in leisure time are elementary art schools which develop the artistic talents and abilities of children and young people in all subjects of aesthetic education.

They are included in the school system and their network evenly covers the whole country. They are attended by both male and female children and young people from age five to eighteen, whose proportion of the total corresponding population is about 12 percent. This number has slightly increased since elaboration of the first report. These facilities are jointly financed by the state, the founder and the pupil, who however, might be exempted, if talented but their social situation would prevent them from attending. The number of schools is constant although the number of branches is increasing. The proportion of girls at 70 percent is also stable.

126. Leisure time centres for youth, generally known as Children and Young People's Houses provide regular activities for about 215 thousand children yearly in about 300 centres. In addition, many other children participate in one-off events (about 2,200 thousand children and young people each year). These centres often provide special groups for girls, such as girls' clubs, activities for young mothers with children etc. The centres are mainly financed from the state budget by about CZK 500 million annually. In more than half of these centres, women are directors. The centres are founded either by the state, local authorities, churches, non-governmental organisations and also private persons.

127. In order to protect children and under-age youth from dysfunctional families or other harmful environments, there is a differentiated system of preventive education and preventive educational care institutions covering the age range, 3 to 18 years irrespective of gender. Pupils are placed in these facilities, either by court order or by parental request. Special facilities for girls which are a part of these educational institutions under the control of the Ministry of Education provide care for under-age pregnant girls or mothers ordered into institutional care. These institutions respect the rights of the girls – mothers. Four such institutions currently exist, two of which operate under disciplinary institutions, the other two experimentally under children's homes. The total capacity of these facilities is about forty girls in the first type, and twenty in the latter.

Article 11, paragraph 2, letter d)

128. Protection of women's health at work has been newly defined by the generally binding legal regulation, which is a procedural decree of the Ministry of Health amending the Labour Code, No. 261/1997 of Coll., that determines work assignments and workplaces prohibited to all women, pregnant women and mothers until the ninth month after delivery and to juveniles. The extensive provisions of Articles 1 to 3 of this decree also define these types of work and workplaces.

Article 12

129. The Initial Report has already stated that access of men and women to health care in the Czech Republic is fully equal. Moreover, in the complex health and social care provided to families, children and women, greater attention is paid to women. Health care connected with pregnancy, delivery, and the postnatal period is fully covered by public health insurance.

130. The Ministry of Health currently provides two programmes concerned with the protection of women's health. These are: Healthy Sex Life Programme, and the National Perinatal Programme which includes care for women before a planned conception, care provided for pregnant women and the foetus, including care during labour and baby care in the first days after birth.

131. About 25 percent of pregnant women are hospitalised for at least a week before delivery, 43 percent are registered by health centres as at-risk pregnancies, and 12 percent of women undergo caesarean section. The mortality of mothers has fallen below ten for every 100 thousand children born alive. These figures comply with the recommendations of the World Health Organisation for the most developed countries (mortality of less than 15 per100 thousand children born alive).

132. In the framework of the HIV/AIDS programme, doctors recommend all pregnant women undergo an AIDS test, on a voluntary basis and confidentially. In 1996 as many as 85% of pregnant women chose this option. The prevalence of AIDS ascertained is very low, about 0.002 percent. All HIV-positive mothers undergo preventive treatment with AZT. This care is fully covered by public health insurance.

For more information on this Article, see commentary 143 to148.

Article 14

133. The Initial Report claimed that there is de iure no discrimination between rural men and women. Both sexes can exercise the same rights, utilise the same services and social security. There are no significant differences between rural and town women. Taking communities of less than 2,000 inhabitants as rural, roughly 25 percent of the population live in rural areas, about half of that, women.

134. In recent years the chance of finding new employment has generally decreased for both men and women. Rural inhabitants are affected by the low profitability of agriculture and the decreasing numbers of available jobs. They also have to cope with worse public transport which often prevents them from looking for available jobs in towns. Women with small children are especially affected by this situation, for whom employment in close proximity to their home is the only option allowing family care. The process of depopulation of rural areas persists and results in an increasing average age in the country . This issue has been addressed by the Ministry for Regional Development in co-operation with the Ministry of Agriculture within the "Restoration of the Country Programme" which, while not specifying women as a target group, still includes them as an important element in efforts to revive the attraction of the country especially for the young generation.

135. In September 1999 the Czech Republic hosted a regional conference of the Associated Country Women of the World[23] for Europe and the Mediterranean. The aim of the Association, founded in 1929 in Canada, is to assist women in rural areas and village communities in economic, social and cultural development, to help create co-operative organisations, support interest in rural life and for the participation of women in international activities. The conference entitled, "Where Are You Going, Family?" was organised by the non-governmental organisation, the Czech Women's Association, under the auspices of the Minister of Agriculture, and with financial support from the Ministry of Labour and Social Affairs. The Union of Agricultural co-operatives, Czech Helsinki Committee, other NGOs and business entities actively participated from the Czech Republic.

136. On October 15, 1999 a celebration of the World Day of Country Woman was held under the auspices of the Food and Agriculture Organisation. The Czech Women's Association, an association important for working with women in the country and small communities, in co-operation with the Ministry of Agriculture and the Ministry for Regional Development, organised a celebration, as yet untraditional in the Czech Republic. In individual regions, weekend meetings of women were held which culminated in an integrated seminar, also attended by representatives of the Agricultural Chamber, the Professional Union of Farmers, addressing the given problems.

[23] Associated Country Women of the World - ACWW

Article 16

137. Equality of men and women in marital and family affairs is articulated in Act No. 94/1963 of Coll., on family, in the wording of later regulations. An important amendment, Act No. 91/1998 of Coll., was passed during the monitored period. The wording of the amendment presents significant changes, especially in the area of divorce, in comparison to previous regulations, (Articles 24 to 29 of the aforementioned Act). It presents a new regulation for divorce by mutual agreement of the husband and wife. The Act also institutes the principle that a court can divorce a marriage only if the relationship is so deeply and irretrievably broken down that restoration of marital relations cannot be expected, while taking into account the reasons for this. In the case of a general divorce settlement, the objective principle of divorce to date is retained, and changes lie in wording only. The breakdown is defined as a deep and permanent disagreement when restoration of marital cohabitation cannot be expected. Courts are obliged to ascertain the objective situation, i.e., to determine whether the breakdown is really deep and permanent[24].

138. If husband and wife have under-age children, the marriage cannot be divorced if it is not in the interests of the children, given special reasons. This provision increases the protection of under-age children in comparison to previous regulations, and retains the continuity of mutual decision making about children. This amendment also gives courts the possibility of deciding, in cases where reasons and conditions allow, and where these are in the interests of the children, on the alternating or mutual care of children by both parents.

139. If a marriage has lasted at least one year, the husband and wife have not been co-habiting for a minimum of six months, and the second partner accedes in the proposed divorce, then these facts are considered sufficient for divorce. Courts in such cases do not investigate the cause of the breakdown. Such marriages are divorced upon submission of written agreements for the period following divorce, on property settlement, rights and obligations relating to shared living, and on maintenance responsibilities, and with the court's approval of the agreement on the status of under-age children for the period following divorce. Compared to the previous wording, a new element is an option provided to the married couple, to terminate the marriage by arranging a complex agreement, thereby minimising any conflict, especially where there are under-age children.

140. A divorce will not be granted if the other partner disagrees with it and s/he has not participated in the breakdown of the marriage by breach of marital obligations or if divorce would be seriously detrimental to the partner, and there are exceptional circumstances for maintaining the marriage. Such special circumstances include, firstly age, economic dependence or state of health. This modification does not introduce the principle of guilt but takes the side of the partner against whom the divorce would impose significant damage.

141. Consequences of the amendment to the Family Act in relation to the divorce rate have not yet had time to reflect in practice. The number of divorces remains constant and the number of cases in which a woman is the claimant is increasing. The number of divorces involving under-age children is decreasing.

[24] Holub M., Nová H. (1998): Family Act and related regulations, Linde Praha, a.s., pp. 36 - 61.

Divorces

Year	*Number of claims*	*Divorces approved*	*Claimant*		*Divorced marriages with under-age children*	
			man	*woman*	*total*	*% of total divorces*
1994	38,614	80.1 %	12,321	26,267	22,289	72.0
1995	38,766	80.3 %	12,400	26,362	22,108	71.0
1996	40,451	81.9 %	13,201	27,249	23,438	70.8
1997	39,592	82.0 %	12,450	27,141	22,603	69.6
1998	39,616	81.7 %	12,405	27,211	21,636	66.9

142. The revision of the adoption of children when the approval of the natural parents is required is also new. This approval is not required if the natural parents, after six months, have failed to show a real interest in the child(ren), or two months after the birth of a child, have failed to show interest in the child, though not prevented by any significant obstacle.

Article 16, paragraph 1, letter e)

143. The right to decide on the number and timing of children born is defined in the Abortion Act No. 66/1986 of Coll., which is very liberal in relation to access thereto, as was already mentioned in the Initial Report. Practical experience has not confirmed the worries of opponents of the Act that it would significantly increase the number of terminations.

Terminations/miscarriages

Year	*Total abortions*[1)]	*Of that*		
		terminations	*miscarriages*	*other abortions*
1994	67,434	54,836	11,109	11
1995	61,590	49,531	10,571	12
1996	59,962	48,086	10,296	20
1997	56,973	45,022	10,392	7
1988	55,654	42,959	11,128	12

1) including ectopic pregnancies

Births

Year	*Births total*	*Born*		*Born*	
		alive	*dead*	*in marriage*	*outside marriage*
1994	106,915	106,579	336	91,345	15,570
1995	96,397	96,097	300	81,384	15,013
1996	90,763	90,446	317	75,396	15,367
1997	90,930	90,657	273	74,736	16,194
1988	90,829	90,535	294	73,545	17,284

144. A negative development is the decline in the birth rate of children. In 1996, the number of deceased in the population already exceeded the number of births, and this natural decline is not countered by immigration. The fact that new-born and infant mortality is diminishing is positive, in 1998 dropping to half the level of 1992. The decreasing number of terminations is also positive, although this might be linked to the decreasing birth rate and number of registered pregnancies.

145. The decrease in the number of terminations is also partly due to the increased availability of modern, efficient and safe contraceptives. From 1992 to 1997, the number of registered women of fertile age using some sort of contraceptive increased from 21.1 to 37.8 percent, of that 29.1 percent use hormonal contraceptives. The annual increase in the proportion of women using a contraceptive in the years 1996 to 1997 was 2.8 percent. However, contraceptives are neither free nor fully covered by the public insurance system.

146. Support for family planning is one area of the National Health Plan declared by Government Resolution No. 273, in 1992, which has been continuously fulfilled by the Ministry of Health. The Plan also includes the related issues: use of contraceptives, education on the risks of terminations (emphasis it put on timely intervention, the so-called mini-abortion), influencing women in problem social groups and ethnic minorities with the stress on delaying the first pregnancy until the legal age of adulthood.

147. In 1997, the NGO, Society For Family Planning and Sexual Education, which deal with issues relating to women, was made a full member of the International Planned Parenthood Federation[25], enforcing rights anchored in the Charter of Sexual and Reproduction Rights of that Federation. The Charter follows up the ideas of international documents on human rights important for sexual and reproductive health, including the programmes of the International Conference on Population and Development (ICPD, 1994), Platform for Action of the IV. World Conference on Women (FWCW, 1995) and other documents of the United Nations. The Society operates a telephone advice line for family planning, especially on methods of reliable contraceptives, and offers help in solving pressing and critical situations. This advisory project is financially supported by the Ministry of Education as a part of the National Health Programme.

148. According to the Family Planning Society, a problem still remains in the legal regulation of voluntary sterilisation in valid law No. 20/1966 of Coll., on public health, in the wording of later regulations, and in the directive of the Ministry of Health from 1972. Voluntary sterilisation – on personal request – may be undergone by women for medical reasons only. These include the condition of four living children or three children where the woman is at least age 35. Applications are assessed by an expert committee. According to the Society, this condition is discriminatory[26].

Article 16, paragraph 1, letter g)

149. Law No. 268/1949 of Coll., on registry offices, in the wording of subsequent regulations states in Article 20, paragraph 6: *In registering surnames of women the correct form corresponding to the rules of Czech grammar are to be used.* This provision is perceived to be discriminatory by women of nationalities other than Czech, where feminine surnames have either the same form as masculine surnames (e.g., German) or a specifically feminine form (though differing from Czech, e.g., Greek, Ukrainian, etc.). This provision moreover contradicts Article 11 of the General Convention on the Protection of Minority Rights: *Parties hereby pledge to recognise that each member of a minority has the right to use his/her surname (father's name) and first names in the minority language and the right to their official recognition in a manner determined by their respective legal system.*

150. In June 1999 the Chamber of Deputies discussed the Government draft of a new law on registry offices, name and surname and on the amendment of several related laws. In Part 2 "Surname", under the provision of Article 69 of the draft, the registration and use of feminine surnames was

[25] International Planned Parenthood Federation - IPPF

[26] Charter of Sexual and Reproductive Rights of the IPPF (1997), page 6, Society for Family Planning, Prague.

proposed in a new way: *Feminine surnames are formed in accordance with Czech grammar. If required by an international treaty, the registry office shall register on the request of the female barer, a surname, along with the form corresponding to the rules of Czech grammar, another form that does not correspond to these rules. The barer may only use one of these forms, chosen on application and this form will be recorded in the registry document.* This provision can be applied retroactively on request of the bearer of such a surname.

151. The draft was not approved in the first reading in the parliament in June 3, 1999. The Government therefore will not submit the proposal to the Chamber of Deputies before 2000 year. The provision on surnames was not the cause of the proposal's rejection.

3. Issues pointed out by the Committee, January 30, 1998, after discussion of the Initial Report (obstacles to proper enforcement of the Convention)

3.1. There is an excessive tendency of the Government to regard women as mothers and in a family context rather than as individual and independent persons active in public affairs. (Item 18 of Conclusions)

152. The summary report states that: *Political and Governmental representation has succeeded in bringing the policy of human rights closer to the centre of public interest. A space was accordingly provided to the policy of equal opportunities of men and women. The increase of the level of public awareness of the importance of the principle of equality between men and women and of the undesirable effects of gender discrimination has been contributed to by the positions of some Government members.*

3.2. Despite all efforts to improve the living conditions of women in the Czech Republic, the Government has not sufficiently understood the structural and cultural causes of inequality ... special provisions for the advancement of women and mothers are lacking. (Item 19 of Conclusions)

153. The non-existence of special positive measures is not caused by the misunderstanding of the current Government or their attitudes, but of lingering attitudes from the past. For more information see paragraph 29.

3.3. The Czech legal system lacks an unambiguous definition of discrimination and does not address the actual inequality of men and women. (Item 20 of Conclusions)

154. Arising from this context is the issue of the extent of legal obligation to the define the term, "discrimination against women" contained in Article 1 of the Convention, declared in the Collection of laws under number 62/1987 of Coll. According to Article 10 of the Constitution, all ratified and declared international agreements on human rights and fundamental freedoms that are binding for the Czech Republic are directly binding and take precedence over the law, and the Constitution therefore incorporates these special agreements into the internal legal and constitutional system. These agreements then form a legally binding basis for the content of legal norms of lesser legal force that must be in accord with the relevant international agreement. The Constitutional Court in its finding (No. 101/1994 of Coll.) also endorsed the opinion that international treaties binding for the Republic form a part of the legal system. In this respect, it may be argued that the Czech legal system does contain the definition, "discrimination against women".

155. The partial amendment of the prohibition of gender discrimination is included in the amendment of the Employment Act (prohibition on discrimination in exercising the right to employment). Similarly the Ministry of Labour and Social Affairs intends to incorporate the prohibition on discrimination in employment relations into the draft amendment of the Labour Code under preparation, (for more details see commentary on Articles 2 and 11 of the Convention).

156. Women's organisations disagree with the Constitutional Court's verdict and endorse the opinion that the state administration and judiciary follow only Czech norms and not international treaties. The introduction of an unambiguous definition of discrimination into the Czech legal system is – in their opinion – necessary.

3.4. The Committee has welcomed the establishment of an interdepartmental co-ordination body within the Ministry of Labour and Social Affairs, however it believes that such a body cannot be considered a sufficient national mechanism for the emancipation of women. The lack of a national mechanism equipped with adequate resources and personnel is considered by the Committee a significant obstacle in enforcement of the Convention and Platform for Action from Beijing. (Item 21 of Conclusions)

157. The text of the Beijing Conference states:

Since the second half of the year 1997 the Government has clearly begun to form a systematic approach to responsibility for the position of women in society. This approach has resulted in a direct definition of formal responsibility for co-ordinating this policy, which at the beginning of 1998, was assigned to the Minister of Labour and Social Affairs. At the same time all Governmental departments were requested to co-operate with women's non-governmental organisations. The Minister of Labour and Social Affairs was moreover charged with the development of a concrete programme for the given area of Government policy. As a result of the aforementioned decisions, on February 1, 1998, the Ministry of Labour and Social Affairs formed a department for the equality of men and women within the Ministry. In order to fulfil its assumed co-ordination role, the Ministry has initiated an interdepartmental committee for the equal opportunities of men and women. Members of this committee, appointed by individual Ministers, contribute to the creation of proposals for equal opportunities policy as as well as evaluating results achieved by their implementation. The interdepartmental committee and its individual members co-operate with women's NGOs. Three female employees are responsible for this co-ordinating role.

158. The present Government appointed after the elections in June 1998 endeavours to fulfil its programme goals in the enforcement of human rights. In September 1998 the Government appointed a Commissioner of the Government of the Czech Republic for Human Rights. The Commissioner observes and reviews the fulfilment of human rights in the Czech Republic with authority to propose to the Government particular corrective measures. The Commissioner does not act as a protector of rights in individual cases of citizens or other natural persons.

159. In December 1998 the Government set up the Council of the Czech Republic for Human Rights (hereafter, the Council) as an advisory and co-ordination body of the Government for issues of protection of human rights and fundamental freedoms of persons within the jurisdiction of the Czech Republic. The assignment of this Council is firstly to monitor fulfilment of international commitments of the Czech Republic in given areas and implementation of obligations arising from international pacts and treaties. Departments with a decisive influence on the state of human rights observance are represented on the Council by deputy ministers. An equal number of posts are assigned to representatives of the public, mainly from non-governmental organisations, publicly recognised individuals and experts. Integration of representatives of the public into the work of the Council is a sign of the will to co-operate between the Governmental

and non-governmental sectors, as a basis for mutual information about activities of both parties and a prerequisite for productive dialogue, and for the public participation in decision making processes related to the protection of human rights.

160. The Government Commissioner for human rights acts as the Chairperson of the Council and the manager of the department for human rights of the Office of the Government of the Czech Republic. Apart from the Chairman and a Deputy, the Council has 20 members, of which ten are representatives of the state administration and ten are representatives of the public. There are four women on the Council: the Deputy Chairwoman and three female members who are representatives of the public.

161. With respect to the amount of international obligations assumed by the Czech Republic by ratification of corresponding treaties, the Council has formed advisory bodies – expert sections, dealing with the monitoring of their observance in individual areas of human rights and freedoms. According to the Council statutes, one of its eight sections is also the section for equal opportunities of men and women. On July 31, 1999, this section had 18 members, three of whom were men, 11 members represent NGOs and the experts from the public and seven members work in central bodies of the state administration. Activities of the section are co-ordinated by its secretary who is a female employee of the department for human rights.

162. The work of the section for equal opportunities of men and women is mainly:

- Co-operation in the preparation of concepts of Government policy in the area of the equal status of men and women, including proposals for concrete measures to address the given status;
- To elaborate working papers for assessment of the Convention including monitoring of the status of women in society;
- To elaborate proposals for evaluation of policies of the Czech Republic on the fulfilment of equality between men and women;
- To increase general awareness of the meaning of the right to equal status of men and women and increase public awareness of ways for its implementation;
- To submit information to the Council for Human Rights, to elaborate proposals of Council views in the area of equality of men and women.

163. By establishing the Council, the Government has given NGOs the possibility to directly influence policy in the area of human rights, including the policy of equal opportunities of men and women.

164. The status of women in society is also addressed by the Parliament of the Czech Republic. The Commission for equality of women acting with the Petition and Human Rights Committee was dissolved after the elections in 1996 but in 1998 on the initiative of female representatives, a subcommittee dealing with equal opportunities of men and women and family was set up under the Committee for Social Affairs and health care. In addition to parliamentary deputies, representatives of women's NGOs are also members of the subcommittee.

165. The non-governmental sector is increasingly visible, in 1995 civic associations of women approved their own programme, an action plan to achieve equality of men and women in society. Besides their own activities, women's NGOs co-operate with administrative bodies including ministries. They have begun regular and close co-operation with the Ministry of Labour and Social Affairs, especially the department co-ordinating the agenda on the status of women in society and equal opportunities for men and women, and with the relevant section of the Human Rights Council. This co-operation consists largely of the exchange of information and the participation in preparation of core documents related to women and equal opportunities.

Women's NGOs assuming responsibility for carrying out activities beneficial to the public are supported by the state from its budgets through grants and the donation policies of individual departments.

166. Another significant indication of the increasing activity of the women's movement is the publicly announced will of representatives of the most prominent women's organisations to create a constructive nation-wide representation whose aim would be to act as a Governmental partner, and potentially opposition, in the creation of state policies in the given area: in December 1998 the Association for Equal Opportunities was founded as an umbrella organisation of women's non-governmental organisations.

167. The aforementioned structure of institutional guarantee in the agenda of equal opportunities emerged in the course of the years 1998 to 1999. Co-operation between individual elements of this structure is not ideal. Creation of basic measures beyond the competencies of individual departments remains in the hands of the Government and the public can only influence it indirectly and in an ad hoc manner (through Government members, the Government Council for Human Rights, the Commissioner for Human Rights and questioning of deputies).

168. The institutionalisation of human rights protection has increased their prestige, stimulated public interest, and supported public and Governmental activities that have despite their indisputable social importance, long sought official support. It is a comparatively new system and its efficiency will have to be tested and evaluated in the long term.

169. There are no special resources in the Czech state budget assigned to the implementation of policy on equal opportunities between men and women, or to the improvement of the status of women in society. That Ministry's resources cover costs relating to interdepartmental co-ordination of the agenda on equal opportunities by the special department of the Ministry of Labour and Social Affairs. Similarly, costs for activities of the expert section on equal opportunities under the Council are covered from the budget of the Office of the Government of the Czech Republic.

3.5. Women are increasingly under-represented in management positions in the political and economic sectors, and the Government does not pay attention to this phenomenon. As a result there are no special temporary measures to rectify the situation and the Government is not even willing to consider such measures. (Item 22 of Conclusions)

170. The summary report to this article states: *In applying the principle of equality of men and women in access to management positions in Governmental bodies, Ministries and their subordinate administration authorities and institutions, the situation has worsened. As the level of management rises, the proportion of women represented falls and this situation is continuing. The general method of elimination of this (and other) inequalities recommended by international organisations addressing basic human rights (UN, International Labour Organisation, Council of Europe) and the relevant authorities of the EU is to take special temporary measures to address the distinct disproportion in female or male representation in the main social activities. The lack of will to take these measures on the side of the Czech Republic was criticised by the Committee.* More details in paragraph 29.

3.6. In comparison to the situation immediately after formation of the Czech Republic, the number of women's non-governmental organisations has decreased. ... The Committee supports co-operation of the Government with non-governmental organisations representing various interests and opinions of women in fulfilment and monitoring of the provisions of the Convention. (Item 23 of Conclusions)

171. There are currently 25 to 30 women's NGOs in the Czech Republic. Most of them focus on specific areas of public interest, usually of a charitable nature. Only some aim to improve the status of women in society and to enforce the policy of equal opportunities. The number of NGOs alone is not an indicator of the quality and scope of their work. Recently some minor organisations have dissolved or merged into larger groups, which can more effectively advocate their goals.

172. The activity of the Interdepartmental Commission established under the Ministry of Employment, the structure of the Council for Human Rights and its expert sections and the activity of the Council of the Government for Non-Governmental Organisations give testimony to the support for co-operation between state bodies at the highest level and women's NGOs.

3.7. No special legal provision addressing violence against women exist and these crimes are not statistically monitored in the Czech Republic. There is a lack of information on preventive measures and programmes aimed at assisting victims of violence, at educating and guiding medical personnel and employees of criminal prosecution authorities to pay greater attention to this phenomenon. (Item 24 of Conclusions)

173. Information is contained in the text of paragraphs 20, and 40 to 56.

3.8. There are insufficient projects and programmes with the aim of assisting the media in promoting positive images of women and the equal share of men in family care. (Item 25 of Conclusions)

174. Improvement of this situation is expected in the year 2000 in connection with the accession of the Czech Republic to the IV. Medium term action programme of the European Union on equal opportunities between men and women. Further steps are under preparation by the Ministry of Culture in connection with amendments of laws on Czech Television, Czech Radio and the State Fund of the Czech Republic for support and development of Czech cinematography (see paragraph 37).

3.9. The issue of prostitution and trafficking of women is inadequately dealt with and the Czech Republic is only addressing this issue in the framework of the fight against organised crime. (Item 26 of Conclusions)

175. The summary report in this respect states: *The task of assessing the efficiency of current legal regulations in relation to new instances of violence against women and sexual harassment, delegated to the Ministers of Justice and Interior has been elaborated a... should be presented to the Government in April this year (1999). Another task, the proposal of measures for the protection of women witnesses – women who had been victims of trafficking is being addressed along with the fulfilment of Governmental decision No. 673 of October 29, 1997 which ordered the Minister of Justice to instigate an analysis of legal regulations in the area of witness protection in the Czech Republic and to propose appropriate measures. The document is currently under consideration.*

176. *Measures supporting the activities of interdisciplinary teams uniting health, social, legal and police assistance in exposing and prosecuting cases of violence against women remain*

unfulfilled and cannot be, since such teams do not work in practice in any systematic way. Due to the continuous need of these teams' efficient activity, a supplement to the original measures is recommended so as to make the responsible departments support the formation of such teams. At the level of non-governmental non-governmental organisations, the association White Circle of Safety provides the interdisciplinary assistance.

177. In the years 1996 to 1999 the Republic Committee for the Prevention of Criminality continued in its co-ordinating, methodical and conceptual activities. Its composition has changed, being widened by a representation from the Interdepartmental Anti-Drug Committee and the Ministry of Finance. In accordance with the document Strategy for the Prevention of Criminality to the year 2000, developed in accordance with the decision of the Government of the Czech Republic No. 209/1997, it also addresses the prevention of negative social phenomena leading to discrimination against women in the form of violence against them. One of the preventative measures is to change the unfavourable social and economic conditions deepened by economic stagnation. Within the framework of the Interior Ministry's Complex Collaborative Programme for the Prevention of Criminality (a Governmental grant covers 70 percent of the costs and the rest is covered by local authorities from their budgets), a number of local projects have been supported addressing the urgent needs of female groups at risk: mothers with children, victims of domestic violence (counselling, therapy, temporary accommodation), women threatened with the loss of employment in areas of high unemployment (re-qualification programmes), girls from social groups at risk, (counselling in critical situations, education for a healthy lifestyle within the framework of youth activities, "half way" homes for girls leaving children's homes and disciplinary institutions), victims of trafficking in women, etc. Of 57 towns and cities that have been participating in complex programmes, projects of the above types have been carried out in 23 to 26 towns and cities during the period monitored. The number of projects supported was between 52 and 73. In 1997, that represented a total of CZK 9,253 million from public budgets, and in 1998 this amount reached CZK 11,592 million while in 1999, CZK 4,414 million has been distributed.

3.10. The policy of establishing family schools supports a stereotypical concept of male and female roles and this also applies to schools that admit boys based only on their different physical abilities. It is important to guide boys and girls to select non-traditional study fields. (Item 27 of Conclusions)

178. After a three-year test period, in the school year 1993/1994 secondary vocational schools with a school leaving exam, and secondary apprentice schools with a certificate of apprenticeship, emerged providing the curriculum of the so-called, "family school", oriented at the education of girls (not exclusively). The Committee has criticised these schools since, in its opinion, they provide girls with the traditional stereotypical role. Family schools with curricula that might support this opinion were dissolved by the Minister of Education on February 5, 1997, by a decision on measures related to an attenuated curriculum 63-44-6 Family school (four-year curriculum), before they became the subject of the Committee's criticism. The last students were admitted in 1996. Three new ones replaced the curriculum: family school – social services, family school – economic and administration services, and family school – public administrative services. The original four-year curriculum also underwent a similar transformation in private and church schools. The original two-year curriculum still exists though in limited scope (family schools that are neither completed with a leaving exam, nor a certificate of apprenticeship, only a final grade sheet) in places where the interest still remains – there are 31 pupils in the second year of these schools in the whole Czech Republic, it is therefore, rather a marginal type of education.

179. The Ministry of Agriculture does not agree with this dissolution nor with the arguments of the Ministry of Education as in the country and small communities, school-leavers of these schools

had been valued for their versatility. Representatives of church institutions also disagree with the dissolution of these schools, as they regard them as an adequate education for employees of the social services especially. The non-governmental organisation, the Czech Union of Women is the founder of the family school, Morava, that has been preparing students for work in the social, administrative and public administration services. In the school year 1999/2000, 147 students, of whom number 22 are boys, have been attending. Interest in study at this school is not declining.

3.11. The Government is not very willing to guide girls to study in the technical scientific fields. (Item 28 of Conclusions)

180. The summary report states: *Neither within the system of vocational education, or in the system of re-qualification has there been a noted tendency to pay special attention to women. The education department and the department of Labour and Social Affairs place emphasis on the neutrality of access to education for both genders, and this position is evident in the wide range of types, kinds and fields of education and re-qualification courses open to both men and women. Despite this, it is clear that the traditional orientation of the so- called "feminine" and "masculine" fields has continued. This situation conserves the undesirable segregation of some occupations and economic areas, limits the chances of women to succeed in a changing economic structure and moreover, negatively affects the differences in remuneration of men and women. In the interests of the elimination of the consequences of this situation it is especially necessary to support the individual abilities and interests, especially of girls and women in occupations that are considered non-traditional for their gender. The relevant bodies of various organisations recommend that the activities of the Government in this area be intensified (see Conclusions of the Committee for the Elimination of all Forms of Discrimination against Women and recommended legal acts of the European Union).*

181. With regard to the above and with approval of the text of Priorities '99, the Government delegated the Minister of Education, Youth and Physical Education *to increase awareness of educational possibilities and to evoke the interest of girls and women in preparation for occupations in such educational fields, considered untypical or non-traditional for their gender, especially in the technical scientific areas.* More details in paragraphs 67 and 68.

3.12. Inequality persists in the remuneration and segregation of women as a result of the employment of women in positions of lower pay or requiring lower qualifications. (Item 29 of Conclusions)

182. In this respect, Priorities '98 states: *The differences in average wages between men and women have continued and show a slightly worsening tendency. The Government has therefore delegated the Ministry of Labour and Social Affairs with the development and proposal (by April 1999) of a method for evaluating individual types of work in a manner that would constitute an objective indication for assessing equality of remuneration. This method has been elaborated and prepared for presentation to the Government as part of the draft of laws No. 1/1992 of Coll., on wages, rewards for work preparedness and the average wage, and law No. 143/1992 of Coll., on wages and rewards for work preparedness in state budgeted and some other organisations and bodies. These amendments will be presented to the Government in the fourth quarter of 1999.*

183. The development of women's employment, structure and scope of time investment (in the length of working hours or volume of work) and especially the combination of family and employment for women, are exceptional in comparison to the development of women's employment in the developed European countries. The social climate of society not only tolerates but also encourages the working woman. However, the problem is that this encourages women to work to

redress the deficit in manpower, or - and mostly - the deficit of the family budget, but usually both. To date, women's careers are inadequately supported and the definition of employment and family role of parent is changing only very slowly[27].

184. The latter criticism concerns the equal treatment of men and women in access to employment. For information on this issue, see paragraphs 87 to 91 and 111 to 114.

3.13. The extensive measures for the protection of pregnant women and mothers are increasing, and mothers have a lower retirement age. The cultural lauding of women's family role could deepen the negative effects of the rationalisation of the economy on women. (Item 30 of Conclusions)

185. The scope and number of such measures for the protection of pregnant women and mothers are constant and their alteration is not anticipated. These measures are commented in the Initial Report on fulfilment of the Convention.

186. The last preferential treatment from 1995 according to the Act on state social benefits (No. 117/1995 of Coll.), related to state benefits for parents who personally and permanently look after a small child (parental benefit) irrespective of the carer's gender. The period in which it was possible to claim this benefit, originally limited to a child of three, was extended by one year. It was a unique measure and its aim was to maintain the present population trend and relieve some of the tension in the labour market[28]. However, this benefit is low compared to wages, its maximum level fixed at about half the average wage.

187. The Pension Insurance Act, No. 155/1995 of Coll., introduced a gradual increase in the age of retirement so that in 2006 it would be 62 years for men and 57 to 61 for women (depending on the number of children raised), compared with previous legislation where this condition had been set at age 60 for men and 53 to 57 for women, depending on the number of children raised. It is clear that the difference "pension retirement age" decreases with the progressive increase of the retirement age for women.

3.14. In the Czech Republic there is a high number of terminations despite the fact that there are plenty of contraceptive methods available. Medical personnel are not sufficiently trained in promotion of contraception. (Item 30 of Conclusions)

188. More detail in this respect is provided in paragraphs 143 to 148 in which part of the measures and activities mentioned include the training of medical personnel. We consider this issue of training to have been overcome because most of the contraceptives for women – hormonal or other – must be prescribed by a doctor and the number of female contraceptive users registered is increasing (together with the decreasing number of terminations).

3.15. The presentation of the Czech Republic did not address Articles 7, 8, and 16 of the Convention on the high divorce rate, its causes and the possible legal protection of women in case of co-habitation with their partner (Item 32 of Conclusions)

189. The settlement of relationships after divorce is addresses in the text of paragraphs 137 to 142. According to official statistics, the most frequent reason for divorce, when the woman causes the breakdown, are personality differences, opinions and interests. These are followed by adultery,

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[27] *Report of human development* (1998). UNDP and the Research Centre for Integration of the Czech Republic into the European Economy, University of Economics, Prague

[28] The importance of the provision as well as of other social benefits has been decreasing in recent years which is proven by the fact that with continuous the increasing amount of these benefits their share in the total amount of gross national product has been decreasing on a long term basis.

ill-considered marriage and neglect of the family. When the court finds that the divorce's cause lies with the man then the most common reasons are again personality differences, followed by adultery of the man, alcoholism, neglect of the family (including desertion) and ill-considered marriage. In two thirds of cases the claimant is the female, yet in 90 percent of cases the marriage is divorced upon mutual agreement of both partners[29].

190. The number of unmarried partnerships in the population has been increasing since the beginning of the 90's. Recent results of sociological research show that young people do not disagree with the institution of marriage as such, however, they postpone it. Yet many are decided in not legalising their partnership through marriage and - even in the case of children born in the relationship – continue in the so-called de facto marriage.

191. The absolute numbers of divorces reached its peak in 1996, and in 1997 the number decreased by two percent. This development was caused by an anticipated change in divorce legislation (already current Family Act) since the historic maximum was related to publication of the draft proposal to make divorce more difficult in the early years of marriage. However, significant changes in the divorce rate are not expected.

192. The high divorce rate in the Czech Republic had usually been explained by the low age of partners at the time of marriage and their immaturity, the high marriage rate, the absence of quality contraceptives (marriages caused by the fiancée's pregnancy), inadequate education of young people on marriage and parenthood and the high employment rate of women without provision of appropriate services. The social prestige of marriage has also diminished. Recent demographic development could bring partial changes to this situation, for example in respect of postponement of marriage and an increase of de facto marriages (permanent unmarried partnerships). So far it has been reflected in the lower divorce rate within three years of marriage. Significant reasons for the high divorce rate are long-term, and besides others include a socially high tolerance of divorce and the high economic independence of women.

193. The terms of male and female partners are not defined in the Civil Code (law No. 40/1964 of Coll., in the wording of later regulations). However, male and female partners are protected by this law according to Article 115: *A household consists of physical persons who live together and together cover the expenses of their needs*, and especially in cases of transfer of tenancy (Article 706 Civil Code: *Those who looked after a common household of a deceased tenant or were dependant on his maintenance, become tenants (joint tenants), if they prove that they shared a household with him/her for at least three years before his/her death and do not have a flat of their own).*

194. Women as partners (like men as partners) enjoy protection according to decree No. 182/1991 of Coll., which implements the law on social security (No. 100/1988) in accordance with law No. 463/1991 of Coll., on the minimum living allowance, in accordance with the law No. 117/1995 of Coll., on state social support in the wording of later regulations, in accordance with law No. 578/1992 of Coll., on the state budget for the year 1992 and on amendment of some taxation and other laws, in accordance with decree No. 20/1991 of Coll., that specifies conditions for material support of employment applicants, in accordance with law No. 310/1995 of Coll., on the fund for cultural and social needs, in accordance with law No. 245/1998 of Coll., on personal suitability and standard forms used in the area of personal safety, as well as other laws. According to the needs of these laws, they are defined as jointly considered persons if they have cohabited with the entitled person for at least three months.

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[29] Kokta J. (1999): *Current demographic situation in the Czech Republic*. In: Social Policy 7-8/1999, Ministry of Employment and Social Affairs

195. *More extensive legislation on the relationship between partners that would also define the formation and end of such a relationship would only create an alternative to marriage, or a lower grade of marriage. There are no social, legal or political reasons for legislation on two forms of marriage* [30].

196. To some extent the issue of cohabitation and the protection of the rights of partners (men and women alike) is addressed in draft of the Act on Partnership of Persons of the Same Sex. This draft has recently been discussed in the Chamber of Deputies. The main aim of the act according to its authors – a group of deputies – is stabilisation of homosexual and lesbian partnerships and the solution of economic, taxation and property issues as well as health (including psychological) issues. The draft is based on the contractual principle with regard to the formation and end of a relationship. In accordance with most foreign legislation in this area, it excludes the possibility that this type of cohabitation would include children. It also excludes the possibility of a contract on partnership cohabitation for heterosexual couples. According to the authors, the Act should come into effect on January 1, 2000.

4. Information on measures approved for the implementation of the Beijing Declaration and the Platform for Action

197. All measures contained in the documents Priorities '98 and Priorities '99 assist the fulfilment of particular goals of the Beijing Declaration and its Platform for Action. Their classification into defined topics was presented in the document "National Report on Fulfilment of the Beijing Platform for Action" (part 3), submitted to the Ministry of Foreign Affairs, department of the United Nations in April 1999. The materials mentioned were elaborated by the Ministry of Labour and Social Affairs. The Ministry of Foreign Affairs sent the report to the UN-Division for the Advancement of Women in New York and to the UN-Regional Commission for Europe in Geneva.

[30] Reasoned statement to the Government's draft of the Act on Partnership and Cohabitation of Persons of the same Sex (1999).

5. List of quoted legal regulations and other important documents

Constitutional laws:

23/1991 of Coll., Bill of Basic Rights and Freedoms, in the wording of later regulations
1/1993 of Coll., Constitution of the Czech Republic, in the wording of later regulations
Findings of Constitutional Court of the Czech Republic 101/1994 of Coll.,
Findings of Constitutional Court of the Czech Republic No. 3/1995 of Coll.

Acts:

268/1949 of Coll., on registers, in the wording of later regulations
140/1961 of Coll., Penal Code, in the wording of later regulations
141/1961 of Coll., Code of Criminal Procedure, in the wording of later regulations
94/1963 of Coll., on family, in the wording of later regulations
99/1963 of Coll., Civil Judicial Order, in the wording of later regulations
65/1965 of Coll., Labour Code, in the wording of later regulations
20/1966 of Coll., on health of population, in the wording of later regulations
66/1986 of Coll., on termination of pregnancy
200/1990 of Coll., on misdemeanours, in the wording of later regulations
1/1991 of Coll., on employment, in the wording of later regulations
2/1991 of Coll., on collective bargaining, in the wording of later regulations
9/1991 of Coll., on employment and competencies of CR bodies in the field of employment, in the wording of later regulations
483/1991 of Coll., on Czech television, in the wording of later regulations
484/1991 of Coll., on Czech radio, in the wording of later regulations
463/1991 of Coll., on minimum living allowance, in the wording of later regulations
1/1992 of Coll., on wages, remuneration for disposability and on average earnings, in the wording of later regulations
143/1992 of Coll., on salary and remuneration at certain state-budgeted and other organisations and bodies, in the wording of later regulations
241/1992 of Coll., on State Fund of the Czech Republic for the Support and Development of Czech Cinematography, in the wording of later regulations
123/1993 of Coll., on the residence of foreigners on the territory of the Czech Republic, in the wording of later regulations
293/1993 of Coll., on custody
117/1995 of Coll., on state social support
155/1995 of Coll., on pension insurance
77/1997 of Coll., on the state-owned enterprises
209/1997 of Coll., on the financial aid to victims of crimes
169/1999 of Coll., on the sentence of imprisonment

Decrees:

32/1965 of Coll., on compensation for harm and aggravation of social engagement, in the wording of later regulations
62/1987 of Coll., on the Convention on the Elimination of All Forms of Discrimination against Women
182/1991 of Coll., enforcing the law on social security and on competence of CR bodies in social security, in the wording of later regulations
354/1991 of Coll., on secondary schools, in the wording of later regulations
110/1994 of Coll., the rules of prison sentence, in the wording of later regulations

261/1997 of Coll., to the Labour Code defining types of work and workplaces prohibited to women, pregnant women and mothers until the completion of ninth month after the childbirth and to juveniles, in the wording of later regulations

Government Resolutions:

209/1997, Strategy of Prevention of Criminality to the year 2000
673/1997, Updated conception of fight against organised crime
236/1998, Priorities and proceedings of the Government in the enforcement of equality between men and women
809/1998, Improvement of human rights protection in the Czech Republic
452/1999, Summary Report on the fulfilment of the Government Priorities and proceedings in the enforcement of equality between men and women
418/1999, National Employment Plan
331/1999, Analysis of the problems connected to prostitution and definition of the conditions of their system solution

Other documents:
National Report on Fulfilment of Beijing Platform for Action
National Health Programme
National Programme of HIV/AIDS Problem Solution
Educational programmes: Elementary school, Elementary (general) school, Standards of education at the four-year gymnasium, Standards of secondary vocational education

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